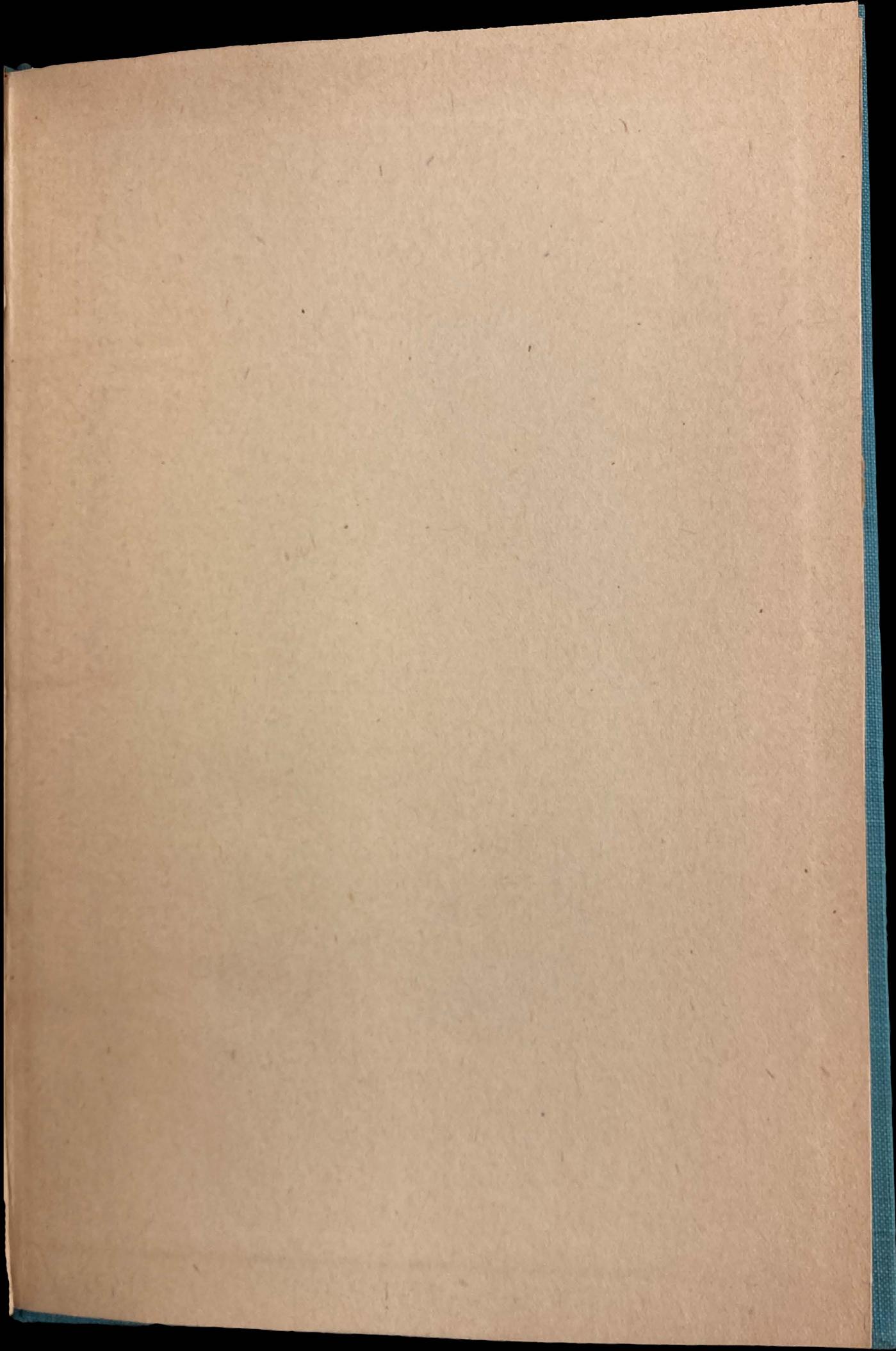


Amer. Novel  
Wilkes, George



Wilkes, Gen.

*No price*

by Geo Wilkes

see pp 57—

# THE MYSTERIES OF THE TOMBS.

THE TOMBS, Cell 131,  
Fourth Corridor. {

IN offering these pages to the public, the writer thinks it hardly necessary to introduce them with a preface. He has no apologies to offer; no favors to ask; no public opinion to covet. He owes none of the first; he needs none of the second, and he despairs the third. The title alone, performs all the other duties of that generally useless preamble. It may however be proper, by way of introduction, to mention some of the circumstances of which this journal is the result and indulge in a few remarks upon them. This much is due in justice to himself, as well for the purpose of affording the public a glimpse of the *modus operandi* of a mock tribunal which monthly disgraces the county under the name of the "Court of Sessions."

I have been sentenced to an imprisonment in this place for thirty days, to gratify a private design, and at the instigation of a set of fellows who would disgrace the morals and honesty of Little Water street. The pretext for my imprisonment was an alleged offence of libel, in which there had never been a complainant nor a conviction, and the penalty on which the court had two years ago voluntarily suspended. Had this been the action of another court, I should have set down the original waiver of sentence as an acknowledgment of moral, if not legal innocence, and an admission that the offence was undeserving of pun-

ishment; but as it proceeded from the Court of Sessions, I was aware that sentence was only withheld on the double hope that I would, previous to the expiration of the liability, be able privately to buy it off, or that some enemy of mine might be induced to come down handsomely to have it put on. The calculation was a shrewd one. I was certain to dance myself or make others dance, and the latter contingency at last arrived. Through the columns of the Subterranean the whip was applied to the backs of some official rascals whom it was humanity to the rest of the world to lash, and jumping at the conclusion that I was the author, they conspired together and brought me into my present situation. Good so! They are right enough, but I am more right than they. The account is still open, and we may strike a different balance before we fill the last leaf in the ledger of our lives.

My punishment—if a forced enjoyment of game diners, wine and segars, can be called a punishment—though villainously unjust, is not more so than the ridiculous law which was made its pretext and which warrants criminal incarceration for libel, is absurd and inconsistent. The law of libel is a law by which every thing which is written upon a man or woman which is not complimentary, is libellous.

The whole groundwork and *git* of the action—in other words, the reason why libel is considered criminal, is because its statements whether true or false, are

calculated to excite the feelings of the person exposed and induce him in the outburst consequent thereon, to commit an assault and battery upon the literary assailant. For this supposed tendency, libel is considered criminal and made liable to a year's incarceration on Black-well's Island among thieves and others, while the actual commission of the very breach of the peace itself so dreaded, is seldom visited with a penalty beyond a reprimand or a nominal fine.

Just so with the law concerning the sale of obscene books and pictures. They are subject to the same penalties as libel, because they tend to promote licentiousness; while adultery and fornication, the very evils which their prosecution is intended to prevent, go scot free of the law. Is not this supremely absurd? In the latter case particularly, can the proposition stand, that it is criminal to *incite* to an act, the *actual commission* of which is innocent by law?

If the offences of libel and obscenity are deserving of punishment, and I admit they very often are, why not let them stand independently upon their own bases. Why not let them wear their own faces and not mock us with "counterfeit presentments." Justice should have a dignity above sneaking to its ends by means of a miserable quibble. Quibble or no quibble, the offence of libel should not subject its perpetrators to an incarceration in the penitentiary, and the sooner such a blot is wiped from our statute book the better. It is at best but a monarchial emanation—the relic of a barbarous age, and like most of the uncongenial rules adopted from an antagonist system of government, entirely unsuited to the genius of our institutions. It was adopted in England for the protection of the power of the crown, and a tyrannous and profligate nobility, who thought no punishment too infamous for the man who should dare to question their hereditary right to offend heaven by their

VICES or to trample on the class to which that writer belonged, at will. The same motives, to a certain extent actuate Judges and even lawgivers, here. As public men, they naturally dread a power which can hold their conduct to the light, and therefore feel concerned in the maintenance of a rule which protects them when wrong from public exposure and execration. Such is the libel law; such its origin and such the influences which sustain it. It is true I have no right to like it as I have been its victim, but I can nevertheless measure its faults even though I rank it as an enemy.

Before leaving this subject, I cannot avoid recalling a remark made by Recorder Talmadge, (a vehement supporter of the libel law) in a case of libel between Mike Walsh and the reputed editor of the "Plebian."

"The Court will make a distinction," said his honor(?) "in cases of editors who are engaged in a daily and mutual warfare with each other, and in this case only fine you in the nominal sum of fifty dollars."

Now, if a libel is considered criminal because it tends to a breach of the peace, the Recorder here deliberately lays down the principle that editors will not fight, or if they do fight and bruise each others heads to their heart's content, it is a matter of very little account. The Recorder's language would be very correct if the law of libel rested upon its proper basis; to wit, its injuries to character; for then a counter injury could be made an offset, but one breach of the peace, which is an offence against the whole people, cannot justify another because it equalizes the advantages of a private quarrel. The Recorder here forgot the lawyer in the man of common sense.\* In looking at the case in a

\* This is a compliment which I most unwillingly accord to Talmadge. It will only apply in the above case however, for integrity is the main ingredient of common sense.

common sense view, he lost that illusory legal will o' the wisp—"the breach of the peace," and treated the matter in its proper relations.

But to my case. About two years or more ago I was indicted, with two other persons, for four libels of an alleged obscene character. In one case the jury disagreed. In the others I appeared in Court alone with one of the parties who had been indicted with me, ready to appear as State's evidence, and the other absent. I, the youngest of the three, was the only one to meet the charge and bear the burden of the alleged offence of all. I stated then to the Court, that the object of the prosecution had been achieved, the paper with which I had been connected had been stopped, and that I had for some time been engaged in other pursuits. Upon this they called me to the stand and privately advised me to admit the publication of the paper. I did so, and this being a technical plea of guilty, the Court were bound to so record it. I was then discharged upon the tacit understanding that I should not engage in a similar publication. That condition I have faithfully fulfilled up to the present hour, though frequently tempted to violate it. Time ran around till July last, when I connected myself with "The Subterranean," and I have acted in the capacity of an editor of that paper ever since.\* In consequence of this connection, several fellows in office, exposed through the columns of that paper, regarded me as the author of their wrongs, and watched their opportunity for revenge. The most prominent of these was James R. Whiting, the present Acting District Attorney, who openly professed his hatred, and avowed his determination to injure me if possible.

Of course I expected that the old suspended sentence would not be overlooked, and the sequel proved that my calculations were correct. The first indication

I had of this, was on the evening of Thursday, October 19th, when an officer who for more than twenty months had held an old bench warrant against me, informed me that Whiting had required him to deliver it up. The above indication was made still more apparent by the fact that Whiting in his address to the jury, in the case of Slamm and Mike Walsh, stepped out of his province as prosecuting officer to make a gross attack upon me while sitting offenceless at the reporters' desk. This movement was followed up by an affidavit which Whiting procured to be filed in the matter, to the effect that I had been convicted of publishing obscene papers two years before, and that I had never been sentenced, and concluding by praying that I might be. *Upon this affidavit*, Whiting made a motion for my sentence, on Friday, 20th October, while I was sitting in court as reporter for the *Subterranean*. Though taken all aback, I immediately arose, exposed the nature of the movement, the conduct and threats of the District Attorney, the character of the affidavit-maker and the falsehood of his affidavit. I then concluded, after the court had refused to reject the motion, by asking them to allow me time, till the next term, to procure affidavits in the case to rebut the allegations against me, showing them the impossibility of my preparing a sufficient defence to such a carefully prepared plot, on the spur of the moment. The court, however, refused my motion, and directed me to appear on the following day at 12 o'clock to receive sentence, and bound me in an extra bond of \$500 to do so.

On the following day I did appear, with affidavits refuting everything the antagonist affidavit had said, and on presenting them, I again referred to the false charges contained in the latter. The Recorder, who doubtless had seen or heard of my published intention to prosecute the affidavit-maker thereon,

\* This connection ended November 25th.

caught at my remark at once, and instantly said that the court intended "to cast the complaining paper out of the case; that it was informal in its character; that it had been thrown into the draw of the bench clandestinely instead of being presented in regular form, and that therefore they should not consider it a part of the proceeding against me." This was the greatest wrong I received. As a part of the proceedings, the false statements of that affidavit which were material in substance, would have amounted to perjury, but as an irrelevant matter, it was a mere violation of the truth under oath—as deep in *moral* guilt as if retained, it is true, but not legally guilty. The monstrous emissary was used against me however, for the purpose of the motion, but when I would have seized upon it and consoled myself with vengeance, it was snatched beyond my grasp. I do not charge Talmadge with conniving to save him who made it, but he certainly in this proved himself a friend at a pinch.

Though I had by the Recorder's own admission proved my case, or rather defeated the enemy's, he refused to discharge me, and postponed the matter till the first Monday of November, thereby voluntarily granting the District Attorney the very privilege he had refused me the day before in solemn motion.

On the first Monday of the November term, I appeared again with more affidavits, to the effect that I had faithfully adhered to the condition on which I had been discharged; and though the movers on the other side offered no allegations of a violation of it, although my affidavits were in no way opposed, the Recorder again would not grant me the justice of a discharge, but put the case off himself again (after acknowledging that my affidavits were satisfactory) on the ground that the District Attorney had not yet replied by any counter testimony.

On the following Friday, 10th No-

vember, I again appeared, and again the court by another voluntary postponement while my case stood proved in their hands, in effect besought Whiting, for God's sake to hunt up some testimony against me.

On Thursday, the 14th, I appeared once more, and still Whiting had made no answer, and again the court urged him by another postponement, to hunt up or manufacture something to justify a sentence.

On Tuesday, the 21st, I appeared for the sixth and last time. The day previous I had heard that Whiting had managed to find two fellows who swore that I had written libels in the Subterranean, and I therefore expected that the proceedings on the morrow would be final. Though I knew that this latter charge could not legally be brought against me, and that on the other part of the case I was prepared as well as I ever could be, I determined to ask a postponement just for experiment's sake—for the purpose of exposing the gross difference which would be made in the disposal of privileges to Whiting and me.

As the proceedings of this occasion were very fully reported in the newspapers of the day, I will insert the account of one of them at the expense of being charged with unnecessary repetition.

#### "THE LAST ACT IN THE DRAMA." GENERAL SESSIONS.

Before the Recorder and Aldermen Emmons and Nash.  
Whiting, acting District Attorney.

TUESDAY, November 21st.

The last act in the drama of the persecutions of Mr Wilkes was performed this morning in the Court of Sessions. In obedience to the order of the Court, he for the sixth and last time, appeared for sentence. He entered the Court room alone, and as soon as his presence was perceived, his case was called on.

CLERK.—Mr. Wilkes, what have you to say why sentence should not be passed upon you?

WILKES.—I have a great deal to say, but as there have lately been some affidavits put in against me, which I have hardly had an opportunity to examine I prefer having a little time to do so, as I feel assured, that if they are to be used against me, I can oppose them by evidence, which will be material to my defence. I therefore ask for a postponement.

RECORDER.—The Court do not feel justified in delaying judgment any longer in this case. It has already been postponed five times.

WILKES.—But never by me. The Court originally refused me a motion for postponement, and granted the same favor, five times to the District Attorney unasked. I have not had time to answer these new affidavits, and I am entitled to the same privilege that has been extended to him.

RECORDER.—The Court see no reason for delaying the sentence any longer.

WILKES.—Well then I might say a great deal, but I do not know that it would be of any avail, as the Court have doubtless made up their minds as to my disposal. The Court are in possession of all the circumstances of my case, and the only object in my recapitulating them now, would be to freshen them in their memory, and do myself the justice of placing my position properly before the public. With those views I shall make a few remarks. It will be recollectcd that some two years ago I was indicted with two others for publishing a paper alleged to be obscene. In one case I had a trial, in which a low fellow whom I had employed to run of errands and collect news, turned State's evidence against me. The jury disagreed, and I subsequently, had an interview with my counsel, James T. Brady, who informed me that the whole object of the indictment was to put an end to the existence of the paper, and that he had been assured by the District Attorney, that if I withdrew from it, the prosecutions in the other cases would be dropped. Upon this, I at once abandoned the enterprize, and have faithfully adhered to my pledge ever since. About three months afterwards as I was passing this building, I accidentally learned that my cases were again upon the calender. I immediately went to Mr. Brady and informed him of the circumstance. He assured me that some oversight had taken place, but told me that he could not attend to the matter himself as he was obliged to go immediately to Brooklyn, he directed me to call upon the District Attorney and remind him of his promise, and the case would be disposed of at once without any difficulty. I did so; but the District Attorney said he could recollect no such promise and called the cases on. On that occasion I briefly defined my position to the Court and told them that I had abandoned the publication of the paper, and had directed my attention to other pursuits. Upon this the Court called me to the bench and your honor and Major Noah asked me if I intended to admit the publication. I replied that I had no intention of denying it, and they thereupon voluntarily suspended sentence and discharged me. Time ran around, and I heard nothing more of the matter till last term, when at a moment's notice, while sitting in this court as a reporter, I was called upon to receive sentence upon this almost forgotten charge. I then stated to the Court that it could not be expected that I should be ready at a moment's notice to meet such an unusual movement, and asked time to rebut the charges contained in the affidavit on which the motion for my sentence was grounded. The Court however refused the motion, and directed me to appear on the following day for sentence. On the following morning I was fortunate enough to find four or five persons, who made affidavits that during the past year, I had invariably refused, and rejected offers of money in advance to edit or write for obscene papers, though an acceptance of the same would have relieved me from the severe pressure of necessity, to all these offers I had replied that I considered such enterprises entirely unjustifiable, and that I would never, under any circumstances, be engaged in similar ones again. I went further, and stated that I would not even write a line for any paper that would admit an obscene line from any body else. This evidence bears directly upon the charge, and this evidence has never been refuted. Thus it appears that I have faithfully kept the pledge upon which the sentence was suspended, and the Court cannot revive the charge without a manifest breach of good faith.

Upon the presentation of those affidavits, the Court stated that they were satisfactory, but as they had not been answered by the District Attorney, they would give him till the present term, to do so. Four times previous to this day, have I appeared ready for sentence, but as many times have the Court put it off, to afford the District Attorney time to obtain evidence against me. On Friday last he succeeded in obtaining the affidavits of some printers engaged upon 'the Subterranean,' to the effect that I had written most of the libellous articles which had appeared in that paper upon public and private persons, and that I was the author of all the reports of the trials of Mike Walsh which were published in it. May it please the Court, I am not much of a lawyer, but I am enough of a lawyer to know that this matter cannot be given in evidence against me in another case. The charge against me was for publishing an obscene paper, and the condition for the suspension of sentence thereon was that I would never commit a similar offence. I have faithfully kept that pledge, and kept it when the violation would have relieved me from distress.

On what then am I to be sentenced? Why upon a new matter on which I have never been indicted and which I have had no opportunity to meet and deny. Now, as I said before, though I am no lawyer, I know that this court have no right to sentence me upon this matter. I know that by the Constitution of this State, it is my birthright as well as that of every citizen, to have the privilege of indictment, trial by jury and regular conviction before a competent Court, before I can be sentenced upon any charge; and if there is a copy of the first volume of the Revised Statutes in court, I will read the section of the Constitution upon that subject.

RECORDER.—The Court admit that principle.

"I know this to be law, and I know this to be common sense. If the court, however, notwithstanding this, should take these affidavits in consideration against me, I beg leave to rebut them by an affidavit of Michael Walsh, made yesterday, immediately previous to the leaving this place. I will read it to the court to save them the time of looking over it individually.

[Mr. Wilkes here read the affidavit to the Court which denied in substance all that Kimber, Kraft and Robbins, the three printers had alleged.]

"This affidavit should be conclusive against the testimony of any number of State's evidences.

"In conclusion, I hope the court will not sanction a proceeding like this—a proceeding begotten by malice; unknown to our laws—subversive of equal justice and designed to take away the rights of free citizens under the pretence of the forms of law, and in derogation of the Constitution of the State; and I hope also, they will not set a precedent in my case, which may hereafter be a cause of deep regret to them and many others.

I do not know that I have any thing more to say.

The Court upon this held a warm dispute, in which Alderman Nash took a stand in Mr. Wilkes' favor, and at its conclusion the Recorder proceeded to pass sentence, prefacing the award by some remarks in attempted justification of the measure. He admitted that the condition on which judgment had originally been suspended was that the defendant should abandon the publication of the paper alluded to and abstain from connexion with any similar one, and that this pledge had been faithfully adhered to. He also admitted the position taken by Mr. Wilkes, that it was unconstitutional to sentence him for articles published in the Subterranean without regular indictment and form of trial, yet before he finished, he alluded to this connection with the Subterranean as a grave offence and thus made it *in fact*, in absence of all other pretext, the ground work of the sentence. He then concluded by expressing his regret that a person so highly gifted with talents—talents which if properly direct-

ed would ensure him a high distinction at the bar, or as a writer, should have so misdirected his abilities as to employ them upon such papers as the Flash, and passed a sentence of thirty days in the city prison."

The Recorder's charge, condensed, simply amounts to this—

"We admit, Mr. Wilkes, that you were discharged two years ago on a condition which you have faithfully adhered to: we also admit that we have no right to sentence you for writing in the Subterranean; yet inasmuch as it has been proved you have written for the Subterranean, we sentence you to the City Prison for thirty days."

Would it not have been perfectly justifiable in me, if I had shot down the Judge who delivered this infamous sentence, as he sat upon the bench? would the outrage on my part have been more gross than the wrong on his?

As soon as this upright sentence was passed, I bowed gratefully to the court, and as I did so, managed to catch the Recorder's eye. His honor, from an excess of modest diffidence, evaded my glance and turned aside his head. I made my acknowledgements then severally to each of the other members of the bench, turned on my heel and walked alone through the side door that leads into the prison. There I immediately took possession of cell 131, fourth tier, and sitting myself down at a small desk in the apartment labelled "Grand Jury" in Roman capitals on the back, I commenced the record of the events of my imprisonment as follows :

FROM THE TOMBS,  
Tuesday afternoon, Nov. 21st.

Here am I, on the fourth corridor of the Tombs, from the result of as contemptible a conspiracy, and as gross a piece of persecution and injustice, as was ever performed against a man since the erection of the Tombs. I choose that period as an exemplar in preference to any other. The offences of ages merge

and fade in the superior villainy of Centre street. I have two consolations in my confinement, to wit: I have pen, ink and paper, and am under the care of Joe Cornell, otherwise called the "Good Samaritan"—a title which that gentleman has probably obtained from the combined facts of his always carrying a little tin canteen of Stoughton bitters about him—from his pious habit of reading portions of scripture daily to all his boarders—and in consequence of his never refusing to take any one in.

I was obliged to make a speech in Court this morning. It was fortunate I did so; I might have been convicted for manslaughter or mayhem else. Emmons was partially staggered from his determinations, and gave ground. I have seen a sledge hammer fetch an ox in the same way. The Recorder figured very handsomely too. He again refused me a postponement to prepare a defence, though he five times had voluntarily granted that privilege to Whiting, to enable him to hunt up *illegal* testimony against me. He was obliged to admit my position in regard to the unconstitutionality of the evidence against me, and he was also obliged to admit, that I had faithfully maintained the condition on which my sentence had been suspended, and though thus stripped of any particle of pretext, he blandly sentenced me to a month's incarceration in the city prison. The most interesting feature of this award was, that after wandering through all the details of the case, and finding no hinge nor loop to hang the design of the Court upon, he fell back upon the discarded and unconstitutional evidence, and justified the sentence on the ground that I had written libels for the Subterranean. If this is justice, it should no longer be represented as blind-fold. A pair of black eyes would be a more befitting type. Centre street Justice does not grope and stagger in a hopeless circle, but has her vision only

enough perplexed to magnify to an enormity every object which momentarily arrests her imperfect sight.

The Recorder in his charge alluded to the fact of my having studied law in a "highly respectable office, and he regretted I had so far forgotten myself, &c. &c." "Highly respectable!" Mysterious expression! Well, I am highly respectable too! I never did a wrong from base motives in my life. I love my friends and hate my enemies, and am as true to both, as the extremes of either passion can make me.

The Recorder showed his ignorance of character in the miscalculation of me this morning. He bargained for a degree of vanity in my composition, which would accept a public compliment as an atonement for a grievous wrong. The covering was too flimsy. The Recorder needs a heavier plummet and a longer line.

There has been some juggling in my business. Nine months ago I was informed that an officer had a bench warrant against me, and the gentleman who gave me the information called on the Recorder upon the subject, who told him that it was probably a revival of the old matter, by some oversight, and that if I were arrested on it, to come directly to him, and he would settle the matter at once—yet he sentenced me for daring to earn my bread on the Subterranean. Major Noah, on the first day of my being called during last term, heard of the matter, and though I was a total stranger to him at the time, voluntarily went to the Recorder and told him that the Court of Sessions had no right to sentence me; that he was one of the Judges on my original trial, and he considered my discharge as perfect, full and unconditional. The Recorder agreed that it was improper to call me up for sentence now, and assured him that I should not be sentenced—and yet he did sentence me, and I am assured that Al-

derman Nash was in my favor. I was told that if this course was pursued, the Major, as one of the former Judges, would come into court and protest against it; yet the Major never came. Ah, this is a *gallus* world, and a man who will not fawn nor cry, must laugh and fight through it.

Whiting said nothing in reply to my remarks in court. He knew his position was already a bad one, and he was afraid to betray any additional vindictiveness by such a course. Besides, he thought it unnecessary, as he felt satisfied that he had every thing right with the court.

The chief movers against me are Slamm, Whiting, and an individual named Hart. Three pretty fellows to be arrayed against any one. The former I dismiss with contempt. The second is of more consequence; not on account of any superiority of talent over the devil of the Plebeian, but because his present position enables him to be mischievous.—He has frequently expressed his hatred of me, and openly announced his intention to wreak his revenge. I have been from time to time warned against him by several persons, some of whom have advised me to conciliate him. Conciliate him! The idea is absurd. I might consent to conciliate my superior, or even my equal, but my inferior, never! The loss of self-respect which I should sustain by such a course, would inflict a deeper pang than any injury he could impose upon me. Doubtless he will manage to obtain two or three indictments against me before my month expires. Let him do so. He is welcome to his contemptible revenge. I shall probably live as long as he will, and Time, perhaps, will set all things even. Is it not mortifying that such fellows as Emmons, and him, should hold the destinies of thousands within their grasp. What are the boasted privileges of government under the present con-

## THE MYSTERIES OF THE TOMBS.

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struction of Courts. A bubble! A mere bubble which abuses the eyes of deluded millions, while the sharp persecutions of petty courts of law prick them in the rear. It's benefits; speculative, evasive, and unsubstantial. It's injuries; pressing, actual and immediate. It's parchment excellencies—in the hands of theoretical phantasmagori. It's evils, wielded by reckless, malevolent prosecuting officers, who sit in arm chairs in back offices, and with little bits of paper, impale their witnesses upon technicalities and strangle them to death with legal quibbles. The tyranny of an Eastern Sultan is not more absolute, exacting, and oppressive. There are partial remedies for this; and one is to entrust these tremendous powers only to men of high character, benevolent hearts and enlightened minds, and not to wretches of narrow abilities, narrower hearts and meaner attainments, who are so lost to every principle of honor and manhood, as to openly avow their vice, and as openly pervert and prostitute their powers to wreak a private animosity.

The last member of the above named precious trio, is of too little consequence to me or any one else to entitle him to anything beyond the dignity of a mere passing notice. I rendered him an essential service some three years ago, from motives of pure compassion, for he was an entire stranger to me, and rendered it too, at a great inconvenience to myself, while others were taking a deliberate advantage of him. His ignorance misconstrued the motive, and he has regarded me as enemy, instead of looking upon me only as his benefactor.

\* \* \* \* \*

My confinement is by no means irksome to me, nor do I consider it in the light of a punishment, for I am consoled by the consciousness, that though my dastardly enemies have temporarily effected their object, they are destined, ere long, to suffer a bitter reflux. My philo-

sophy is proof against the Tombs.

I have comfortable apartments, the range of the whole *Hotel* is allowed me, the keepers are obliging, and the constant company of the "Good Samaritan," with his theological dissertations, are enough to render any place a paradise. I am inclined to believe that were it not for some domestic ties, I should become so enamored of my situation as to be unwilling to leave it. But enough for one day—my candle is flickering in the socket, and the evening star begins to wink at my window. *Hæc satis.* Good night!

### THE TOMBS, { Wednesday Morning, Nov. 22. }

*An Adventure with an Old Hunker-Babe, the Pirate—States' Evidence—Philanthropy—Evening Amusements of the Prisoners—A suspicious customer.*

I slept well last night until 4 o'clock, when being awakened by a singular noise, I lit my candle to inquire into its cause. After a few moments pause, my attention was directed towards the door, and on turning my eyes that way, I perceived a large sized and most determined looking old rat, with his arms clasped around the edge of my inner door, which was slightly ajar, endeavoring to jerk it open. After taking proper notice of the nefarious old hunker, by discharging an anathema upon his head, followed by a well directed soda bottle, I turned upon my side and fell asleep again.

I paid a visit to Babe, the pirate, this afternoon, and took him some segars and tobacco. He is a fine looking fellow, and quite an intelligent man. Matthews, his confederate, is in another part of the tier. The latter is to be admitted as States' evidence. Ragee and his wife are also on the same range, and while

away their time by walking up and down the corridor together. Saunders, the boy, and the master devil in the case, is airing himself on the opposite side. He is also to be admitted as a States' evidence. How can the testimony of a States' evidence be received? Ought a man to be believed on a formal oath, who has violated the most sacred human obligation in betraying his friend, and who is impelled to commit perjury by the strongest motive known to the breast of man, self preservation. Some of the most distinguished jurists of the world, have had doubts as to the propriety of admitting such testimony under any circumstances. They certainly should not be used in any other but capital offences. Two testified against me, and the Court allowed their assertions to outweigh the oath of Mike Walsh.

After dinner, I sent a plate of turkey down to the pirate. He must have made a very active demonstration on it, for in five minutes afterward, he struck up the "Star Spangled Banner.

I consoled a black fellow in 128, this afternoon, who had been imprisoned for being licked by his wife. I asked him if he chewed tobacco.

"Yes, massa," said he, "but I hab'nt got any money."

"Never mind your money, replied I, I'll get you some." The negro appeared lost in wonder at this instance of philanthropy on the fourth corridor of the Tombs. "God Almighty bless you massa," said he when I poked it through his door to him. "Are you a keeper?"

"No, I'm imprisoned here for a very high offence."

"Oh no, massa," replied he shaking his head doubtfully, accompanied by a smile of unconceivable smartness, "Oh no, no, I never can beleeb dat! Yah! Yah! Yah!"

I notice that the prisoners, who remain quiet all day, invariably commence singing towards night and conversing through

the large pipes that run throughout the building. The same motive that makes the solitary midnight traveller whistle going through a church yard, impels them to seek companionship or the amelioration of music to stave off the terrible gloom of a prison. Some rich dialogues take place in this way, which I shall chronicle hereafter.

There is only one objectionable feature in this establishment, and that is the fact of a big bull-headed loafer being allowed to run at large within the premises, to the annoyance and terror of all the respectable boarders. Whether he is a regular attache of the hotel and has a right to go romping and galloping up and down stairs at all hours of the night, I have not yet been able to ascertain, but I am very decided in the notion that he is a dangerous customer. I may subject myself to the danger of a Grand Jury and the peril of an indictment for this; but I feel bound to state that the obnoxious individual is a large bulldog, who was an active disturber of the great canine convention lately held on the Jersey Sandwich question. Out of respect to a large and respectable family domiciled in the prison yard, I shall forbear mentioning his name.

A drink, and a hob-and-nob with the "Good Samaritan," and then good night.

THURSDAY, 23d November.

#### THE TOMBS.

As I shall have to relate circumstances during my sojourn here which will depend for being clearly understood upon a knowledge of the peculiarities of the place, I might as well describe the building and its appurtenances now.

The Egyptian Tombs, so called from the style of its architecture, and from the fact of its being the sepulchre of the characters, hopes and purses of all (ex-

cept its attaches) who enter any of its doors, is a large, awkward, tasteless pile of granite, which fronts on Centre street, and occupies the whole of the block or square bounded by Leonard and Franklin streets on its sides, and Elm street on the rear. It is surrounded by a wall of some forty feet, relieved at the corners by huge portals, which shoot up some twenty feet higher, as if planted in a soil more favorable to overgrowth. It is situated in a low marshy piece of made ground, which generates a constant malaria, highly beneficial to the overseers of the poor, by speedily carrying off invalid prisoners and preventing them from being an expense to the county. Its lower foundation consists of a number of transverse hemlock logs which are sunk in the water and retained in their places by the foundation stones. All this however has failed to give it solidity, and the miserable architectural abortion is continually settling, and daily threatens by the huge rents in its inner walls to tumble down in ruins.

On entering its clumsily constructed vestibule you find yourself in front of a large door labelled "COURT OF SESSIONS," and between two passages which branch off to the right and left. The passage to the left, is inscribed "GRAND JURY" in very shabby gilt letters, and leads to a little square room, where twenty-three individuals, mostly old gentlemen in brown wigs, white neckcloths and red bandanna handkerchiefs—parrot-faced old fellows, who wear nightcaps when they go to bed, stand in the front place in the pew on Sunday, and are honestly down on licentiousness, because licentiousness has long been honestly down on them—monthly assemble to cock their heads like reflective pigeons on matters affecting the interests of applewomen and newsboys, and to receive the compliments of the Recorder at the end of the session for the sagacious manner in which they have discharged their mo-

mentous duties. The entrance to the passage on the left is labelled in more villainously shabby letters still, "POLICE OFFICE." This leads to a sub-court room where four magistrates and some forty or fifty tributary devils, consisting principally of bull-headed, hatchet-faced, hawk-eyed, pot-bellied, hook-nosed, long-fingered fellows, who carry gilt staves on public occasions out of a foolish pride of office, and who secretly go provided with bags, dark lanterns, burglars' tools and India-rubber shoes, to be prepared for all emergencies, wait their opportunities for daily plunder. In addition to some operations which I shall perhaps notice hereafter, it is a favorite amusement with them to indulge in the harmless practical joke of sounding the pockets of every one that comes within their reach, and of thrusting them playfully into cells in case they object to the operation, or be criminal enough to be peniless.

The great door in front opens into an awkwardly constructed room called the COURT OF SESSIONS. Here a most amusing daily performance takes place during the first Monday and last day of the third week of every term, the programme of which may be seen (as made out by a little cocoa nut-headed fellow who acts as stage manager and general director) hanging up in the vestibule against a door immediately adjoining the passage to the grand jury room.

The principal performers in this place are a large gentleman with a pleasing Roman nose, an expansive waistcoat and a most benificent smile, and seventeen *individuals* selected by lamplighters, dirt cartmen, street sweepers, city watchmen and the enlightened visitors of tap-rooms and dance houses, to aid the large gentleman in the Roman nose in carrying out the proceedings of the drama or farce, according to the directions of the little cocoa nut-headed fellow aforesaid. Two of these seventeen *individuals* are select-

ed every month to support the large gentleman with the Roman nose in his part, and while the p'ay is going on, they all sit together on an elevated roost in the back part of the apartment, which in consequence of cocking them in the air in rather a singular manner, has given them the complimentary title of the "Hen-roost Court."

The large gentleman with the Roman nose, sits between the two *individuals*, doubtless for the purpose of balancing their wisdom in either ear, and also of affording a lively notion of equal justice. This idea, though finely conceived, is sometimes grossly marred by being attempted with two representatives so widely different in weight as to be the very personations of material gravity and levity. In this unhappy situation the large gentleman with the Roman nose, is not, as usual, the easy pivot whose nicely wavering balance may be made to swerve by a breath, but he sags entirely to one side. The large gentleman however generally exercises a sound discretion in such dilemmas and goes over to the heaviest. The large gentleman frequently commits great errors and does gross injustice in consequence, but then he has a most benificent smile, is extremely polite, and is moreover a very good looking man !

The little cocoa nut-heated fellow is the principal performer of all, and is in fact little short of captain and all hands. He generally sits cocked up or cross-legged at a little desk just under the bench, with several large bundles of papers lying confusedly before him. These, though they have nothing to do with the business of the day, and are merely documents which accumulated while he performed some years before in minor establishments in the different wards, he frequently seizes with an air of great business, flirts over with his thumb, peeps into their ends, and then lays down again with the look of a man who is con-

scious of the tremendous duties of his office. He generally sits with his back turned to the audience, and when not winking to a man who selects twelve supernumeraries from a wheel, for the purpose of directing him who to put in and who to leave out, is generally engaged in picking his nose, whistling through his fingers, or running his hand uneasily up and down his pantaloons. By some fatal lapse of sense he has imbibed the notion that he is a great man, and the ridiculous antics he puts on, the counterfeit Roman dignity and Spartan sternness he assumes to enforce it upon others are really laughable.

The most comical part of the whole of this advertisement is, the humorous conceit which they have all adopted as the object of it. They hold out the notion—and the large gentleman with the Roman nose looks as grave as if he didn't know it all to be a joke—that they sit there to dispense justice for the people of the county, and really if one could only behold their mock solemnity of manner, without a knowledge of the legal slight o' hand that is performed under its cover, they would pass very well for being in sober earnest.

Let us now escape from this pandemonium and descend through the magistrate's court or police office, to the lower regions of the sepulchre. The entrance of the portal on Franklin street leads, after passing the door of a room allotted as a watch house court, to the office of Mr. Malachi Fallan, the keeper of the prison. This is attended by two deputies who keep constant guard in the capacity of porters, and to whom application must be made before admission can be had. Skirting the wall on Franklin street, and running half way down the block, is a narrow row of cells used for the watch house prison, and parallel to it, in like manner, on Leonard street, is a similar row appropriated as the female prison. Between these two skirts and

in the middle of the yard stands the kitchen, which forms the substratum of the Court of Sessions, and truth to say it is generally filled with quite as respectable company. Here the whole cooking operations of the establishment are carried on by the means of steam and the aid of about thirty black and white, male and female genii, originally sentenced to Blackwell's Island for stealing and prostitution, but retained here on account of their services.

We come now to the main building; the great Golgotha, which is the permanent receptacle of all the prisoners, but before entering it I must not omit noticing the highly respectable and intelligent tenants of the yard. These consist of an inordinately vain and extremely sensual game cock, who constantly struts up and down amid a seraglio of lascivious and admiring hens; two rough looking giant dogs; a compact and most determined looking bow-legged bull terrier, and a flock of beautiful carrier pigeons domiciled on the roof and attached to the premises for some transcendental purpose to me unknown. I shall perhaps notice these individuals hereafter.

The main building—the prison for the males, is a long edifice of rough hewn stone which runs parallel to Elm street as near the whole length of the block, as it would be proper for it to approach the wall. After entering by a green door opposite the kitchen, inscribed "Prison Door," the first thing that strikes you is a prevailing sense of whitewash. Floors, walls, cells, ceilings, every thing except the cell doors and the railings which bound the corridors, are whitewashed.—Whitewash is here the universal panacea for everything in the shape of dirt, for no sooner does a quid fall or a pool of spitte spread its stain, than a sooty genii, armed with a brush and pail, appears, licks it over with two or three slaps of the brush, and then as suddenly vanishes. The fre-

quency of this operation has created great banks on the sides of the corridors, which, sloping to the bare stone in the middle of the passage, render it a very uneasy concave to walk upon. There are four tiers or stories in the building, each of which contains 36 cells, making in all 144.—The cells of each tier regularly decrease in size towards the top, from the Egyptian style of the building, so that those of the fourth corridor, in which I am now situated, are not more than half the size of those in the first. This was probably so devised to mark the distinctions of the aristocracy of crime. Those who have been guilty of the highest crimes, such as murder, burglary, &c., have the best cells allotted to them, and the inferior rascals who have no ambition beyond an assault and battery, or being insolent to a watchman, have the worst. Each of these cells is supplied with a wooden bunk running at an angle of forty-five degrees along the wall, which keeps you busy all night long on a sort of treadmill in shoving yourself up as fast as you slide down. These are furnished with two or three smutty woollen shreds, which are meant to scandalise blankets, and enable a person to practice a mortification of body which would qualify him for a wandering dervish. Back of the cell runs a pipe of Croton water with a cock at the command of the prisoner, and underneath runs a huge iron pipe of the same form and size as those used by those chartered swindlers, the Gas Company, which is used to carry off the ordure. These run throughout the building and are constantly kept clean by a continual current of Croton water three or four inches deep. From their facility for conducting sound they afford a medium for the communication of the prisoners with each other, and tend in no slight degree to ameliorate the hardship of confinement. In the front part of the cell, run two hollow iron rods or pipes, about an inch and a half in diameter, which

because they are filled with lukewarm water are asked the unreasonable service of heating the apartment. They run parallel to each other at a distance of two inches apart, and are ironically called heaters from the duty which is expected of them. A little shelf on which food is shoved in, a tin pan for mush or soup, and a cup of the same material for coffee, complete (with the addition of a bible,) the furniture of the cell. The cells, with the exception of a few on the ground floor, are designed to hold but one, though occasionally they are pressed into a double duty. Several of those on the first floor are of extra size and are appropriated to the watch returns, which vomits its filthy gatherings into them every morning. Those marked "W. M." are for white offenders, and those inscribed "B. M." are appropriated to colored derelicts. The largest of all bears an American star and is labelled "Five day cell," Into this the refuse of the watch house, drunken, bloated loafers, *gutter snipe*, and dock *rats* are committed for the term of time which the above inscription indicates, in penance for intoxication, or an unauthorised occupation of stoops, cellar doors, church porches, and the wharves. The other cells on this floor are chiefly occupied by the lazzaroni of the kitchen who are turned into them at dark after their day's work is done. A cell with a large bathing tub, with facilities for warm and cold water--facilities which are never used--the keeper's desk on which commitments are recorded, and two box stoves, entirely inefficient to the heating of this immense building, complete the features of this range. The next three tiers vary only in the gradual decrease in the size of the cells, but in all other respects are strictly the same. The prison is guarded by eight keepers, who serve alternately, one on every tier, except at night, when two take care of the whole prison, and thus serve in turn; which brings the term of watch to each

couple on every fourth night. The prison is also attended by a doctor, a mild, amiable, harmless looking man, apparently of vegetable origin, who condenses the whole science of medicine into an invariable prescription of "Dover's powders" for all descriptions of ailings or affections, from a cold in the head to a fracture of the jaw.

Among the prominent features of the establishment may very properly be set down, the legion of heartless, desperate and talentless pettifoggers who infest it and who lay in wait to take misery by the throat and plunder it of every farthing and every hope. In their character of members of the Court of Sessions (fit representatives of such a court) they obtain access to the prisoners as soon as the latter are committed, and on pretence of affording them professional assistance, obtain generally all that the poor devil possesses in the world; after which they abandon him, unless he have friends outside who are good for more; in which case they stick to him long enough to convict him, whether innocent or guilty. Nothing comes amiss to these fellows. If their victim have no money; hat, coat, boots, pledge tickets are received in lieu, and I have known even a pair of socks taken for a fee. They generally prevail upon some keeper to find clients for them among the prisoners, and in case he be successful in gaining them a suit, they give him half of the proceeds of it. The keeper, of course, jumps at this opportunity of doubling his salary, and in carrying out the system very often unconsciously aids and abets an act of the grossest fraud. He represents the desperation of the prisoner's case to him in vivid colors, and assures him that Counsellor Filch is the only man under the canopy who can save him. Counsellor Filch next appears, and alarms the intended victim on the dangers of his situation, which generally brings the matter to a happy conclusion. The fee obtain-

ed, the pettifogger recommends the *habeas corpus*, his antidote for every legal ill, and advises the prisoner to buy bail. This introduces another bloodsucker in the shape of a bail-master, who also is bound to divide with the counsellor who recommends him. The bail-master is perhaps the owner of one or two worthless Harlæm lots, on which visionary basis he holds himself ready to swear to any amount of substantiality. In desperate cases, where the prisoner is expected to forfeit bail and run away immediately upon release, the bail master does not go bail himself, but deeds his lots to some accomplice of the criminal's, who is directed to carry the deeds in his pocket while he swears to his possessor of the imaginary amount at which these lots are estimated.\* The thief, burglar, or swindler is then let loose with his *pal* to go south and grow offences for a second harvest.

There are some singular transactions connected with this bailing business. I know of a case where a certain judge refused three several applications to bail a notorious criminal. A fourth at last was made by an agent of the prisoner's. The applicant walked into his Honor's office playing with a hundred dollar bill in his fingers.

"At four o'clock, your Honor," said he, "we shall make a final application for bail in the case of Smouch, when we shall be prepared to show your Honor some additional reasons why the motion should be granted." As the speaker spoke the bank note dropped like a snow flake upon the desk, and the careless fellow who let it fall turned away without noticing his loss. Smouch was bailed out at four o'clock.

It would appear that this bail-master business is considered as a sort of initiatory process to a practice at the bar of the Court of Sessions, for several bail-

masters have in the last two or three years been admitted there as lawyers on this probationary service. All things considered, I do not wonder that their applications for admission are never refused, and, indeed, I never expect to see one of them disbarred for a fraud or conspiracy, however gross. I am, myself, in possession of secrets which would entitle me to admission to-morrow.

As there are several cases in the prison at present of great interest, of which I shall have occasion to speak in the course of this journal, I will preface them with a slight notice now.

On the second tier there are five capital cases. Peter or Pete Williams, the fire boy, who a few nights ago stabbed a rival volunteer named Stanley, belonging to another engine, is one. A quarrel had previously existed between him and the deceased, and broke out anew in a discussion of the merits of the respective machines. A threatening demonstration was made upon Williams by his antagonist and the former fled. He was pursued by Stanley and a number of his associates, with threats of violence. Williams took refuge in a public house, and his pursuers gathered about the door and demanded the landlord to turn him out. He did so, and Williams attempted again to fly. He was unsuccessful however, being opposed by Stanley; whereupon he drew a knife and stabbed him in the shoulder near the collar bone. He was immediately arrested and when told that Stanley was like to die, exclaimed that "he had intended to kill the d—d son of a b— and hoped he would die." In the morning, or in the course of the night Stanley expired. Williams when he heard it, expressed his gratification at the result, and said that "they could no more than hang him and he hoped they would do that as soon as possible." He still remains dogged and sullen and expresses no degree of remorse. He is indicted for wilful murder.

\*This idea was doubtless suggested to the bail masters by the celebrated judgment of Sancho Panza. One would suppose it might enlighten the magistrates also.

Blaney, on the opposite corridor of the same tier, is indicted for manslaughter. The only recollection that I have of the circumstances of his case is, that he had a quarrel with a man in some public house on one of the avenues in the outskirts of the city, and that he seized a knife from a table, followed him into another room and struck him a mortal blow, from which he died. He was fortunate in being indicted for manslaughter only.

Isinprice, next door to him, is also indicted for manslaughter. He too killed a rival fireman, by stabbing him in an engine quarrel. The fire department will earn the name of the war department by-and-bye.

Within three doors of Blaney, is Babe the pirate. He is a large, fine looking fellow, and was arrested with a man named Matthews, who is confined on the next tier above, and who has offered himself as a state's evidence. The crimes with which these two are charged are piracy and murder. The vessel on which the crime is said to have been committed was the schooner Sarah Lavinia, which sailed from Alexandria, Md., on the 1st of July, bound to Antigua. Her commander was named Captain Dearborn; her mate, Walter A. Nicoll; her cook, John Johnston, a colored man; and three seamen, named David Babe, William Webster and George Matthews. Up to the night of the 14th, when the vessel was in latitude 29 bearing a south-east course, the captain and mate, as was seen by the writing of the latter in the log book, were alive. A memorandum in a strange handwriting on the morning of the 15th, to the effect that the captain and mate had had a quarrel on the foregoing evening and both fell overboard, marked with certainty the period of their disappearance. The vessel was then turned towards the United States, and when within forty miles of land, according to the statement of Matthews, the

cook was killed. The vessel was anchored within four miles of Newport, R. I., and Babe, Webster and Matthews went ashore in a small boat. Babe and Matthews were shortly after arrested in this city, but Webster escaped and is still at liberty.

Next to Babe comes Leitga the German, a pallid faced, repulsive looking ruffian in a profusion of oakum colored hair, and a cold, stony expression of the eye. He is charged with murder and arson, and the circumstances against him are very strong. The victim was his wife, the building set on fire, his own house; and his object in setting fire to the house after the perpetration of the murder, was to effect the double service of concealing his crime and of obtaining the large amount for which he had insured his stock (tailor's) in trade. The crime was committed on a Sunday morning about two months ago. On the previous evening, Leitga and another man who is in the next cell as an accomplice, sat up to a late hour and with the wife held a carousal. At about 7 o'clock in the morning the house was discovered to be on fire. Those who rushed in from the street, discovered it to be abandoned and the only thing in the shape of a human being it contained, was the charred and mutilated body of the unfortunate wife. From the appearance and position of the body, she had doubtless been murdered, before the bed, which contained her had been set on fire, and the fact of a pillow being pressed upon her face, almost confirmed that notion beyond a doubt. Soon after the fire was discovered, Leitga, who had been to market, arrived at home with a bunch of eels in his hand. He was immediately arrested, and, eels and all, marched to the Tombs.

Opposite to him is confined Ragee and his wife, charged with being participants with Saunders (the state's evidence in his forgeries,) who is at the other end of

the same tier, and to whose temptations to Ragee, the latter owes his own and his wife's present condition. Ragee is a German. He is a small, slight made man, with quite an intelligent countenance and an air of decided gentility. His wife is a little Frenchwoman with a neat figure. Her face I have not yet been able to see. Saunders is a diminutive, dapper, pug-nosed, poodle-faced boy of sixteen, and one of the strongest embryo specimens of vulgar English conceit I ever saw.

Saunders had for a long time been a clerk in an auction shop, kept by some individuals calling themselves Austin, Wilmerding & Co. His salary was \$300 a year, but that not being adequate to his aspirations after "life," he cast about to find some other means of gratifying his luxurious yearnings. He boarded in the same house with Ragee, and finding him to be a most expert penman, selected him as the instrument of his designs. Ragee resisted the proposition through the course of a year, but at last made desperate by poverty he yielded to the temptation. Some interviews on the subject were held at Ragee's house before the latter's wife, and checks on different banks to the amount in all of \$30,000 and upwards were drawn and safely collected by Saunders, who was known to be a clerk to the above firm. As soon as the swindle was perpetrated, Saunders endeavored to fly for England, but missing the steamer, took passage in a vessel for the South.

The indignation of the whole public, and particularly of the virtuous officers of the police, was at once aroused at this infamous plunder of a lot of bankers who had got rich by plundering others, and the latter class of valuable citizens immediately spread in all directions to detect the atrocious criminal. A poor woman whose miserable life had been rendered doubly wretched by the theft of her cloak and bedclothes, would

have been turned coldly from the steps of the "Halls of Justice" and left to go shivering to her death without exciting a single effort from the department of police, and the public who read a record of her complaint, would have passed it over as a matter too insignificant for sympathy or notice. Why this difference? Both crimes involve the same principle of wrong, and the excess, if any, is in the poor woman's case. A reason may easily be found for the injurious distinction of the officer, but how can we account for the unjust measurement of the public? Why, in the fact, that nine tenths of mankind are made of knaves and fools, and their estimate of an offence, or their verdict upon it, either of which make up what is called "*public opinion*," is not worth a cent! Public opinion of the same character and from the same source, crucified Jesus Christ; it banished Aristides the Just from Athens; it drove the patriot Marius from Rome; it plucked from the glorious Belisarius his eyes; it has committed a thousand monstrosities for one single act of right, and if the black record of its sacrifices could be held to view it would paralyze the soul with horror.

Saunders was soon caught, and the public rejoiced in this triumph of justice. He offered himself as state's evidence, betrayed Ragee, implicated his wife because she was present during some of their arrangements, and the result of the matter is, that the whole three are now here awaiting trial.

The two next criminals of note are Alek Hoag and French Jack, long and favorably known to the public as two highly respectable panel thieves. The first individual is of the most extensive reputation, and has also done the most extensive business, chiefly through the transcendent talent of his wife, the celebrated Melinda Hoag, a cast off strumpet of a negro thief now in the state prison. As the public generally are not acquaint-

ed with their mode of doing business, I will describe it for their edification. It is divided into two branches, which are generally called the street lay, and the panel game. The first is the safest though the most open, because it is under the special protection of the police, but the latter is the most dangerous for it is intended to deceive the officers as well as the person robbed, and consequently it is the most dangerous.

The business of the pair is only done in the evening. Melinda turns out early and commences patrolling Broadway in her regular beat between Warren and Fulton streets. Aleck marches behind her at the distance of about twenty yards, and behind him, for the purpose of sharing whatever plunder the pair may gather, march one or two police officers. Melinda soon manages to decoy some salacious stranger down one of the by-streets which run at right angles with Broadway, and which are kept dark by the tolerant common council out of a humane consideration for licentiousness and its practices. While engaged in amorous pastime, she picks his pockets and holds the avails out behind him (while she is kissing him in front) to her accomplice, who passing at the moment carries it off. Melinda represents herself as a married woman whose husband is out of town, and as this story is peculiarly calculated to excite, the stranger generally insists on seeing her home. Before their arrival, she sees something in a shop window which she desires him to purchase. This leads to a discovery of his loss, but she is of course beyond suspicion, as if guilty, she never would have induced him to search his pocket; and certainly beyond conviction, for none of the property can be found upon her. The stranger, whose amorous burnings are considerably chilled by this calamity, breaks away from the siren and hurries off to see if he has not left his pocket-book at home. In the meantime, Aleck, who was seen by

the officers, from the other side of the street, is dividing with them, and thus securing to himself and partner immunity from arrest and detection.

Aleck is considered the peculiar property of two certain officers who have long attended to this business for him, and as he has increased in riches, so have they. From a general principle, religiously observed among police officers, and founded on another principle embraced in the maxim of "honor among thieves," no other member of the department interferes with their game. If the countryman should subsequently make a complaint, the official accomplices of the thief feel bound to protect him, and as any of the other officers to whom the warrant issuing upon the charge should be given, also feel bound in pursuance of the general principle above spoken of to resign the affair into the hands of those who do his business, they either discourage the countryman from proceeding, or if necessary, get another sum from Aleck and buy him off altogether. The extent and nature of these *quasi* official services may be measured somewhat by the following transaction. A stranger was touched out of his pocket book by Aleck and Melinda on the evening of the 15th of August last, and having had his suspicions directed toward them, had them arrested and conveyed to the Tombs. As he still was known to have a few dollars left which would pay fees and buy privileges, he was also committed on pretence of being required as a witness against the criminals on the trial. In the morning, he was informed that if he wished to obtain bail to appear and testify, an officer would be despatched with him for that purpose. He accepted the proposition, and himself and the officer took a cab. They rode about for nearly two hours, when the officer, who had been in deep thought for several moments, suddenly suggested to the gentleman the propriety of search-

ing his pockets again. The stranger at first refused, asserting that he had even taken off his boots in the former investigations; but being finally overborne by the pertinacity of the official, he thrust his hand into his coat pocket, when lo! the first thing that met his astonished touch was the identical pocket book, the loss of which had occasioned him so much trouble. The prisoners were of course discharged.

I offer no revelation on this circumstance.

Though the surveillance of the officers afforded him the protection of the police, Aleck Hoag at length became dissatisfied with performing all the work and perilling body and soul to give them half his booty, as insurance against the risk of his desperate ventures. In truth he had fallen into profligate habits and required the whole proceeds of his robberies to sustain him in the indulgence of a passion for gaming and other gentlemanly diversions, and he sought to effect this and cheat the officers by a novel idea. He directed Melinda to take her victims only down Fulton or Vesey streets, and to make them stand while in conversation against the railing of St. Paul's church yard. He was to lay inside among the graves, and receive the pocket book which she extracted. This practice was adopted for a time and was very successful; but, at length, "Integrity" found it out, and the detected Hoag was fain to fly over the tombstones from the wrath of the injured and indignant constable.

The rebuke which Aleck received for this piece of deception brought him back to an honest, open, fair and square mode of doing business as before, and scores of times have I, and hundreds of others, seen and smiled at the operations of this highly respectable party as they marched up and down Broadway in single file—stumpet, thief and constable on the regular lay.

This gentlemanly mode of doing business lasted with Aleck down to a very late period; but at length he again became seized with a desire to game, and to gratify that passion as well as to protect himself from the increasing extortions of the officers, he determined in self-defence to adopt the panel game.

This game he had learned in an apprenticeship to the notorious negro, Charley Quin, now in the state prison for its practice; and as Melinda was also a perfect adept in the business, having served a like apprenticeship for three or four years as Quin's mistress, there was a prospect of carrying it on with brilliant success. Apartments were therefore hired and a secret door constructed to let into the chamber.

Melinda would make her victim lay his clothes, as he took them off, upon a chair at the head of the bed near the secret panel, and then take him to her arms and closely draw the curtains of the bed. As soon as every thing was right and the dupe not likely to heed outside noises, the traitress would give a cough, and the faithful Aleck would slyly enter, rifle the pockets of every farthing or valuable thing, and finally disappear as mysteriously as he entered. The next thing was to get rid of the victim, and that was contrived in the following way. After the lapse of a minute or two after the dexterous abstraction, a furious knock would be heard at the room door.

"My God! my husband!" would exclaim Melinda, starting from the dupe's embraces.

It may easily be conceived that the adulterer, caught in this apparent dilemma, would make the extremest haste to dress and escape without pausing to examine his pockets.

It was an exploit of this kind performed upon a countryman to the amount of \$54, which brought Aleck and Melinda here this time, and they suffer their present incarceration and danger entirely

from their dishonest defection from the officers who had so long shared with and protected them. Let their fate be a warning to all faith-breakers in future.

French Jack is only capable of the panel game, and is now incarcerated on a charge of stealing a thousand dollar note in this way. This is the fourth or fifth time he has been in prison for the same offence during a period of several months, but he has always managed to fee his way through the prison gates and through the hands of the officers of the courts, and thus escapes. He will doubtless effect his deliverance again in this way shortly. He is sure to have assistance enough, for all the police officers look upon it as a shame to keep a fellow so valuable to the department, locked up idle, while country merchants are continually allowed to come in and go out of town with impunity and without leaving a dollar in the hands of French Jack and his woman, for the benefit of the department. This is a great shame. Those, by whose means French Jack and Aleck Hoag are detained, should recollect that the police officers have wives and children to support.

On the fourth tier with me is domiciled a young man named Williams, a mechanic, who remains here for the non-payment of a fine of fifty dollars imposed upon him, for an alleged assault and battery at an election row in the ninth ward. Taking his circumstances into consideration, there is a pretty fair prospect of his remaining here until death. His condition is as easy as any man's can possibly be made while in confinement, for he is allowed to run over the whole building; he acts as deputy keeper to the Good Samaritan, and exercises a supervisory power over the operations of the kitchen. He has been here now almost two weeks, and he already appears to have gained about twenty pounds.

Mr. Joseph Cornell, a deputy keeper

having charge of the fourth tier, whom from his humanity and frequent relief of the miserable creatures under his charge I have called the Good Samaritan, is the only one who requires to be noticed now. I have but to say of him, that as a man and a gentleman in the most liberal construction of the latter word, he has no superior, and that he is entitled to the highest respect and consideration of all who can appreciate kindness of heart and manliness of character. Joe is considerable of a humorist however, and like all men who possess a keen sense of the ridiculous, is very much in the habit of adopting manners and expressions which excite his critical observation. I mention this that those who hear him converse at times throughout these pages in a flash dialect, may not misapprehend his character, and lose sight of the strong vein of sense and remarkable shrewdness which are the main ingredients of his composition.

FROM THE TOMBS,  
Thursday, November 23.

*The Good Samaritan—Feeding the prisoners—Ragee and his wife—Evening concert of the prisoners—Aleck Hoag and the countryman.*

I was awoke this morning by the "Good Samaritan," who entered my room at nine o'clock with a file of the morning papers. After ascertaining on what terms he stood with himself by a look in the glass, he greeted me with an "Ah, my lord!" accompanied with a short familiar jerk of the head, indicative of his being at peace with all the world and his hope that I was the same. I responded in like manner and he stepped out with the highly important caution of "Well, take care of yourself, ol' fellow." Take care of myself! Not much need of that

caution, considering the guardianship I am under.

Jing-a-ling! There goes the great gonfalon of the Tombs, crying, with its iron tongue, *pea coffee* and chaff bread to the hungry *carnivori* of the cells. The keys rattle and the doors bang as the keepers unlock them for the serving of the morning repast, and the prisoners, trembling with weakness from long confinement, thrust forth their pale faces, and peep eagerly up and down the corridors for the approach of the victualling detachment. While walking up and down to see the show, Babe, the pirate, looked up smilingly, and caught my eye.

"Ah, Babe," said I, "so you think you must eat?"

"Yes, sir," replied he, "habit is every thing." Then seizing a chunk of bread and two tin cups full of coffee, he vanished. I noticed that there were some few who refused. They were those who were committed the night before. Incarceration appears to have the same effect upon new comers, as sea sickness. The unpractised stomach revolts at the sight of a large tub, borne by two greasy negroes, containing a faintly smoking black liquid, like a mixture of senna and salts, and a can of bread locomoted in the same manner. Time, however, brings them all down to their work.

While looking over some exchange papers yesterday morning, the detachment stopped at my door, but being received with a threat which involved the safety of their heads, they moved off laughing, with the remark, "Ah, well, Massa, you'll come to it bym-by!"—and so I should, were it not for an outside arrangement for beefsteak and turkey. This morning, after breakfast, I sent all the exchange papers of the day before to the different cells. It was a measure of doubtful philanthropy, on account of the stupidity of most them. Ragee and his wife, the alleged forgers, have just gone out for trial. He looked sad, but calm;

she, trembling and terrified. It is an infamous and a burning shame that this little woman should have been indicted.—What woman sees wrong in aught her husband does? The operations which Saunders had tempted Ragee to aid, needed privacy. Ragee's house was selected and the matter naturally came before his wife. Was she who had followed him across the Atlantic to a strange country, and who had borne the pinch of poverty for years to sleep on his bosom, to abandon him for this? O, the wisdom and humanity of Juries! O, the barbarity of the prosecuting officer who urged the complaint! Saunders is frolicking in the corridor, and appears to think the occasion a holiday.

I find that among the thieves, burglars, murderers and other abandoned felons imprisoned here, there are a number of innocent persons in the character of witnesses, who are locked up here to await the trial in which their evidence is wanted.

The practice of incarcerating witnesses to await trial and give evidence thereon, is one of the most cruel, unjust and inhuman practices ever maintained in a civilized country. It is contrary to every principle of religion, or humanity.—No principle is more firmly settled both by the doctrines of the Bible and natural justice, than it is better that ninety nine guilty persons should escape, than one innocent man should suffer. Apply this to the law authorising the imprisonment of witnesses and you destroy its fabric at once. Common policy cannot justify it on the ground that it is the duty of every citizen to avenge the wrongs done by a criminal to the community; for why should one man be sacrificed for the public benefit more than another? In just and equal governments "a wrong done to the meanest citizen is an injury to the whole people." Above all, how can this heathenish rule be applied to a foreigner, who owes no duty to this country, its

laws, or its citizens? He may be a generous, simple-hearted sailor, who from the misfortune of being the forced witness of an affray, is liable to be thrown into a loathsome prison, to herd with felons of the lowest degree, to feed upon revolting prison fare—confounded with thieves by the visitors of the place every time he emerges from his cell to catch a breath of air less infected than the damps of his dungeon, and kept perhaps several months for the chance of convicting a criminal out on bail, whose eventual punishment may be but *thirty days* in the same hole which has so long owned him its miserable tenant. The victim of such a barbarous regulation would be justified in blowing out the brains of any one who offered to oppose his attempt to regain his natural liberty. There are several instances of the cruel effect of this barbarous law now in this prison.

One remarkably hard case is that of the countryman who was robbed by Aleck Hoag a few nights ago, of fifty-four dollars—perhaps all the money he possessed in the world. Being a stranger in the city, he had no friends who could become security for his appearance at Court, and being made penniless by the depredation, he could not buy his liberty by seeing the bloodsucking bailmasters who infest the place. He is therefore incarcerated on the same tier with his robber, and fed with prison fare, while Aleck luxuriates on roast turkey and segars. Aleck will probably soon buy bail, with the victim's money; buy ingenious counsel with a little more, whose legal acumen will foil the law for months, and finally, with the aid of another sum, defeat it altogether. The countryman will then come out with some new notions of law and justice, which will be a living caution to him, to submit quietly in future to any species of depredation that may be committed upon him. What glorious laws we live under! Let us pray!

Friday Morning, 24th Nov.

*The Wampanoag—The "Hully Crister"—The member of the "Vill and the Vont Club"—A conjugal Penitent.*

A new detachment of prisoners has just arrived from the upper police. Such a party! The first is a mulatto, with his head profusely covered with little rat tail ringlets about three inches long, each terminating in a small bit of lead like a shoe lace tag. He looks like a faded Wampanoag. His offence is a very high one—bastardy; the gay seducer! The next is an "ingine laddie." He wears a little silk cady, bound painfully tight, with a dusty crape band, and the uncovered part above gives evidence of frequent crushings by the little shiny creases which relieve the caves. This is most determinately cocked over his eyes. He boastfully avows himself one of the "Vill and the Vont Club," the members of which swear clear through, and on high occasions wear a band around their hats with the words, "ve vont go home till mornin." He is accompanied by a companion wearing a cap similarly cocked over a pair of pendant soap locks. The back of his head curves outward like a ten pin ball, and is nearly as innocent of a hair; his loosely tied rusty black neck cloth is passed through a fish bone, and the slashing manner in which his trousers are turned up, and the way in which he swaggers along, indicates that he "kills for Keyser." H is one of the "Hully Cristers." They are both of the same genus, though of different species; but they both agree in regarding all classes of society who don't belong to the "Vill and the Vont fellers" and the "Hully Cristers," with ineffable contempt. Indeed so strong is their sense of self consideration, that they almost disdain to unbend in civility to each other. The Wampanoag shuffles humbly along the corridor; the laddies follow him with that old swing of perpetual defiance,

and a smile which means to say "you think you're hell, becos your go'nto lock us up, but ve look on it as fun ; ve do !" As they approach the Wamponoag, who is about entering his cell, the Hully Crister stops, and after surveying him scornfully from head to foot, remarks—

"Vot, in agin eh ! You black son of—!"

"Yes, and *wouldn't* he be in!" satirically, added the "vill and the vont" chap.

"Come, come," sternly interrupted the Good Samaritan, "no capers!" You with the cap go in here ; and you, here ; saying which, he double locked the doors of both.

"A pretty hard couple that Joe!"

"They aint any thing else. The community is down on such roosters as them, and when they fall in my way, I always enforce the rules."

There is a Dutchman in 113 for beating his wife. He has been there nearly three weeks, and still she is inexorable. A couple of pettifoggers are endeavoring to *fetch* him for a fee, but he refuses any arrangement with them until he first consults me. After sufficiently rebuking him for his dastardly offence, I told him that neither lawyers nor magistrates could help him, that his wife was the autocrat of the whole matter, and advised him to soften her with a penitential epistle. He eagerly assented to the proposition and I prepared a letter for him depicting sufferings exceeding the tortures of St. Anthony, when in fact he is the gayest pigeon in the coop, and engaged most of the time in singing amorous ditties. I finally directed him to bind up his head and put a poultice on his jaw when he expected her.

We had a glorious entertainment tonight; the concert among the prisoners was particularly rich. Some rooster on the second tier struck up the "Boatman's Dance," and every individual scapegrace in the building joined in the chorus and made all ring again with

"Heigh O ! Boatman row,  
Down on de riber O-hi-o!"

In the middle of the last verse the Hall bell struck its note for "fire," and in an instant, by common consent, each and every chorister left the song and swelled the alarm that was now making night hideous out of doors. After they had kept this up for a few minutes, they dropped off one by one, and shortly after went to bed. At nine o'clock every thing was as still as death.

Saturday Morning, 25th Nov.

*Offenders of the fourth corridor—Western Editor—Ragee and his wife—Centre street Justice—Painful scene—Blessings of Government—Attempt of Aleck Hoag to rob my cell.*

A knock at my door at 5 o'clock, from one of the prison Mercuries with a copy of the Sub. No more sleep for the day. Nine o'clock—the Good Samaritan with the papers of the day and good news. I turned out to take a walk on the corridor to get an appetite for my breakfast. To amuse myself I stopped at the different cells and inquired of their respective inmates the cause of their incarceration. All of them with the exception of three, were assaults and batteries, committed mostly by Irishmen on their wives ; two of the others were for bastardy, and the third for drunkenness.

"Joe, I find this is the war department."

"Yes, and I am commander-in-chief. I wont have no thieves on my tier. The community is down on thieves."

"It aint any thing else Joe."

A western editor is just brought out of the five day cell and discharged. He went out as he came—bareheaded, in his shirt sleeves and with two very dirty black eyes. His offence was drunkenness. During his incarceration (the first

two days of which he was suffering under delirium tremens) he has had a perfect monomania upon one subject. Scarcely ten minutes of the day would pass, without his rushing wildly to his door and shouting "Where's Beach?" "where's Beach?"

Ragee and his wife are just preparing to go out into court for the last time. The latter pauses a moment to smooth her frock for the twentieth time, and to chide back into the cell a frolicksome poodle that shares their imprisonment; then, after slightly adjusting her dress again, she takes her husband's arm and they disappear in the vomitory which leads into the Court of Sessions.

A young man named Mills, has just come in to see me on business. While sitting by my desk he is waited upon by a police officer, and informed that the sitting magistrate has committed him as a prisoner. This is one of the grossest violations of law of which I ever heard, though trifling in its results to the person injured.

Edward Mills while going with a friend a few days ago down Centre street, passed a certain *individual*.

"Is that the man that pulled the feathers out of a parrot's tail," said Mills to his friend.

"Dont 'you like it!'" responded the person alluded to; and both passed on. The latter went to the police office and the magistrate granted him a warrant for assault. Ten days ran around and Mills came in this morning to see me. The complainant noticed him as he passed through the prison, and went immediately to the magistrate and informed him that the man who had upbraided him with his injuries to the aforesaid parrot was in my cell. On this bare assertion, the magistrate without identifying the prisoner, and in the face of the thousand instances where personal resemblances have been so strong as to deceive even wives as to their husbands, wrote out a commit-

ment and consigned Mills to a cell without giving him a chance either to be seen or heard. Centre street justice is beyond all shame. Most of the time she stands upon her head and while in that indecent posture strange secrets are revealed.

Mills was bailed out by Justice Blood-good towards night.

Ragee and his wife, plunged in hopeless despair, are just returning across that fatal bridge which they so lately passed with faintly fluttering hope. He has been found guilty. That dread award fell upon her heart as though it were suddenly clasped with the cold fingers of death. She takes his arm and hurries from the court as though by that to escape from the dreadful doom. A crushing but indefinable misery distracts her brain. Her eyes fall upon Burns the forger (already sentenced to the state prison) who anxiously awaits the decision of their fate at the head of the stairs. His look of deep interest recalls her wildly wandering faculties, and softened by his sympathy she bursts into a flood of tears. There they stand, a mournful trio, all weeping together; the wife sobbing her heart out upon her husband's bosom. At length they break away and the two latter move slowly toward their cell. They again pause at the door, for the wife has been told that the confinement of the condemned is to be solitary. She flings herself again wildly into his arms, and her sobs are heard all over the prison. The little pet dog comes out and jumps up against them, and whining sorrowfully, looks wishfully into their faces. The keeper arrives and tells her it is time to depart. Alas! where shall she go? The world is so very, very wide, and she so lonely. Whose roof will shelter the convict's wife? Whose eyes will beam kindly upon the victim of an indictment?

What a terrible compact do we make, when we agree to the regulations of so-

society ! For the visionary *protection* which government affords us and our property—for that is the theoretical condition on the other side—we not only bind ourselves to submit to its just rules, but to all its terrible refinements; its bigotry, its prejudice, and its vaunted public opinion; monsters, who command you to a rule, which keeping, you gain no credit for, but which breaking, you must be torn to pieces. The whole principle between government and the governed, is simply this—"Do you protect us and we'll protect you!" This is of great value to the rich, but of no value to the poor. The rich man feels the benefits of government in the protection which it affords to his property. The poor man having none, only knows of its burdens and its restraints. But say the theorists, "Government protects him in his life and liberty." Yes, it does ! It protects him in paying taxes all his life—for he is the greatest tax payer—and in shoudering a musket and shedding his blood to protect that very government which extort these sacrifices of his natural liberty on pretence of protecting *him*. The poor man is the slave and tool—the rich man the pet of government, of the laws and of society.

"Oh, for a lodge in some vast wilderness!"

While walking in the corridor this afternoon, I noticed that Aleck Hoag, the panel thief, who robbed a countryman of fifty-four dollars a few nights ago, had for some few moments past been watching me from his tier (the next below.) Curious to know his object, I pretended to go into one of the corner cells, and then by hugging the wall and keeping out of his sight, I regained my own unseen. Aleck, who saw my first movement only, prepared to take advantage of it, and looking carefully up and down the stairs, and seeing but one keeper in the building, and that one down

at the desk, picqued French Jack, his *pal*, upon the bridge to keep a look out, and then cautiously ascended the stairs. Determined to punish him condignly, I took my razor in my hand and laid per. due behind my door. The thief hastily but softly approached, and slyly thrust his head within the door. When I sup. posed him within reaching distance, I sprang suddenly from my concealment and made one desperate slash at his nose, with the intention of either slitting it or whipping it off. But Aleck was too quick for me, and by a sudden backward spring escaped the threatened danger. I jumped after him, but he fled as I followed, and managed to escape with a kick from the head of the stairs to accelerate his flight, and a threat which involved the safety of his head if I should ever catch him on my corridor again. I then called to his keeper and had him locked up instanter. French Jack says that it was Hoag's intention to rifle my cell of a ruffled pillow case, shirts, handkerchiefs and whatever other moveables which might lie within his reach.

Bad as this infamous scoundrel is, he is of a certain value to society. He dispenses about \$3,000 every year in charity. He robs the puritanical old thieves who rob others; fellows who obtain livings under the false pretence of sanctity, in some country town or distant city, and who come here in white neck-cloths on amorous enterprises. It is no more than right that they should suffer for dodging around dark corners with a slab-sided syren like Melinda Hoag, though it is not right that Aleck should rob them. The money thus obtained Aleck gambles away. By those who obtain it, it is squandered upon tailors, boot makers, hatters and women of the town, who patronise milliners and poor seamstresses; and thus good comes out of evil. Aleck is of more benefit to society than John Jacob Astor. Aint it so, Joe ?

"Yes, yes: the community is down  
on such chaps as John Jacob Astor."

SUNDAY MORNING, {  
November 26th. }

*Sayings and doings of the Pipers—The Hully Christer and the Wampanoag—Maggy and the Weaver.*

A DAY of reflection and rest. Roast duck and a bottle of wine for two? Ah ha! there are a good many ways of dodging the irksomeness of confinement!

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EVENING.

THE prisoners have all been quiet to-day. The tolling of the Sabbath bell which sends its solemn hum within the prison is laden with associations. It brings back the innocent hours of boyhood, the shining Sunday morning face; the bright penny for good conduct; the encouraging pats on the head from good old people, who prophesied a happy and distinguished destiny. The glorious sun and sky and fields, more glorious and brighter than ever, all mingle with its toll and strike reproachfully upon the ponderer's heart. The gloom of evening startles away these dreams by a still stronger spell and the heavy soul seeks relief in companionship, and the evening concert, and conversation, through the pipes commence. Bahe is already at it, singing

"Will, the bold smuggler,"

in a clear note that rings throughout the building. A voice at my pipe also hums a ditty. I lift the lid, and the following strain from the Wampanoag enters my apartment:

"Its madam I have gold and silver,  
Its madam I have house and land,  
Its madam I have world-ly pleasures,  
An' dey are all at your command!  
No sir, no,  
Oh Lord no;  
An' still de answer was, 'No sir, no!'"

"Its what cares I for your gold and silver,  
Its what cares I for your house and land,  
Its what cares I for your world-ly pleasures,  
I only cares for my fancy man!"

No sir, no,  
Oh Lord no;  
An' still de answer was, 'No sir, no!'"

And thus ran the ditty through some twenty verses, each chronicling stronger and stronger the virtues of this paragon of female constancy. At its conclusion, every cell bore its tribute of applause to the gratified Wampanoag. I said every cell, but must except those of the Hully Christer and the member of the "Vill and the Vonts." The latter, after a momentary pause, exclaimed—

"Who sang at are last song?"

No answer.

"Who sung at are last song, I say?"

"It was at are d—d nigger with the lead on his head," responded the Hully Christer, from 123.

"I say you black thief!" cried the Vill and the Vont, from 126, "sing at are song again!"

WAMPANOAG.—I aint no thief; I'm in for seduction!

126.—Ha! ha! ha! Yes, you are! An' may be you wont go to the Island for six months, nor nothin'! Oh, no, sir-ree!

123.—What! vith all of the lead on his head!

126.—Vith nothing else! He's an old offender, he is.

WAMPANOAG, (from 126.)—Oh, you're mighty smart, you am, because a man can't crawl through the pipes to get at you!

A scornful laugh from 123 and 126.

122, (an Irishman in for licking his wife.)—Never mind the blackguards, 128, they're banathe your notice.

123 AND 126.—Where's that grey back? Who's at bloody Greek?

134, (an Irish fiddler committed for whistling.)—

"Oh I do confess I am sixteen  
And that I am no older O,  
I left me parents and me home  
All for an Irish soldier O."

123 AND 126.—There's another Irish son of a gun!

126.—Yes, an' he would be there or bust! (*Fiercely,*) Who sung at are last song?

134.—I sung it.

123.—Then whistle it, ol' dad!

134.—No fear of that! I'll never whistle again. I'm *in* for whistlin'.

123.—What do you think I'm in for?

134.—The devil an' yourself only knows.

123.—Vy, I was a goin' up the Bowery with two of our ingine boys, an' I met two other ingine boys; and sed I, three of your fellers hit three of our fellers, and then I smacked one of 'em in the jaw.

126.—An' I'm in for that too, be jesus, an' for bustin' in a —— house door besides. I swore I would go in or lose a leg, but two watchmen snaked me jist as the door was in the last shiver.

138, (*sepulcharly from the extreme end.*)—Good!

WAMPANOAG.—129, tell a story.

129.—Faith, an' by my soul, I don't know a single one, as I live.

126.—Come, come, don't go to takin' airs on yourself 129, cos ve do you the honor to call on yer; recollect you're out in company now.

123.—He aint any thing else. Ha! ha! ha!

A laugh from all the *pipers*.

129.—Well, I'll tell ye a story about myself and me wife, who has had me locked up here for batin' on her. Ye see, before I came to this country I lived in Ireland, in the county of Donegal, where I was born, and that's a great county for bigamy ye must mind.

WAMPANOAG.—A great county for what?

129.—For bigamy; for one man havin' a number of wives.

WAMPANOAG.—Ay yi! Hey, boys? Will you hush! I must go there. Yah! yah! yah!

123.—W-e-l-l! you black vagabond! Now you ought to have one!

129.—Margaret an' meself lived together in a lone house next door to a hatter's—a false desateful an' decaivin' blackguard as ever was seen. An' I could n't trust Margaret becos of this devil of a hatter, for I had cot him leerin' at her end she leerin' back.

123.—Oh! then would n't I a *fecht* her!

126.—Ay, yi!

129.—An' when I tho't of the eyes she cast back at the hatter, they laid in me head like two burnin' coals of fire, an' I had no rest of me life. Well, I had often to go home at night with me work—almost three miles away d'ye see, for I'm a weaver—and as I could n't trust Margaret, I used to lock the door wid a padlock, and nail down the windys, and then I could go off thinkin' her virtue pretty secure, bein' under lock, button and bolt, and the key in me pocket. Won night, I suspected somethin' more than common, and sez I to myself 'I'll watch the house for dom but I suspect but that theivin' hatter does more wavin' for me in the evenin' than I do for meself vid me own shuttle durin' the whole day.' So I pretended to go away, but I laid behind the hedge to keep a look out, and prisintly, I sees the hatter come from his house an' go to mine, and I sees Margaret come to the winders in her night gown, wid a light in her hand. (Here the voice of the speaker became tremulous from excitement.) And the hatter after kissin' his hand to her, for it was a bright moonlight night d'ye see, pulls a hammer and a chisel out of his pocket and draws the staple with as much aise as if he had known it from childhood. Och! murder and blood, consaise me feelin's!

128.—By de big boot, dat was enough to make a man strike his fadder.

126.—Ay, yi!

129.—I lets him git fairly in, and then

gives him ten minutes to *implicate* himself; and thin I wint softly to the house, an—an—(hesitating during a breathless pause from all the pipes)—an—an' I cot 'em!

122—Oigh! Dom a whoore!

At this evidence of the high moral sense of 122, I closed my pipe. A pretty place this to put me in, to be sure, to correct my morals.

Monday 27th.

*The Dutchman and the Doctor—Virtue triumphant—Retributive justice or the militia fine collector, in the Five day cell.*

On turning out for my usual walk this morning, the first object which met my eye, was my Dutch client, Swotchel, pacing up and down the corridor and looking the very impersonation of woe and death. I was somewhat startled at this, at first, for I had forgotten my directions to him of the Friday before, but his appearance informed me at once that he expected his wife this morning. He has followed my directions to the letter; nay, exceeded them. One of his blankets, folded like a shawl, is pinned around his shoulders; his head is bandaged with a white cloth, and he has made all the bread of his breakfast allowance into an immense poultice which he has plastered on his jaw, where it looks like a monstrous wen. To give additional haggardness to his appearance he has scraped the whitewash off his wall with his fingers and rubbed it on his face. When he caught my eye and saw that I was on the point of bursting out into a roar of laughter, he cautioned me with a wink of inexpressible solemnity and increased its importance by laying his finger warningly beside his nose. "All right," said I, aping his manner and responding with a similarly expressive pantomime. I then

turned carelessly on my heel and pretended not to notice him any further.— Casting my eyes carefully throughout the building, I soon espied the doctor, whom I slyly beckoned up stairs. I then took him aside and pointing out the Dutchman told him that there was a poor fellow suffering a greater complication of evils, both mental and physical, than had ever come within my observation before, and that I hoped he would bestow that attention on him which the nature of the case deserved.

"Assuredly, most assuredly," said the doctor, "but how has this happened? he was well yesterday!"

"How has it happened!" said I, looking cautiously around, and then applying my mouth towards his ear—"Do you see that man sitting on the bridge there?"—(pointing to Williams;) "That man with a combative head and large, resolute blue eye, I mean!"

"Yes, I see him."

"Well, he is the cause of it. The Dutchman asked him for a chew of tobacco yesterday, upon which he turned around and broke his jaw. Bad fellow that Williams, doctor."

"He must indeed be a dreadful man."

"And the most capricious and impulsive in his passions of any man I ever saw. His propensities are all animal, and when meditating mischief, he is as wary as a cat, but in the execution of it, as terrific as a tiger. I see, doctor, that he has his eye fixed steadfastly upon you."

"I see, I see. Really it is not safe to go about the building while that fellow is at large. I must go down stairs and prepare something for the Dutchman. That Williams must be locked up. Good morning, Mr. Wilkes!"

"Good morning, sir."

"Well, Swotchel," said I, turning as if vexed beyond patience, "you've got yourself into a pretty mess with all *them* bandages on your head. You have."

"Why, sir, you tol me to put dem on, sir."

"Yes, but I didn't tell you to walk up and down the corridor like the ghost of a kent bugler, with a wen on your chops. Williams, there, and Mr. Cornell, the keeper, have told the doctor you are a confirmed lunatic, and imagine yourself to be the fasting Irishman; that instead of putting your bread in your mouth, you bind it on your chin and pour your wa-ter over your head. The doctor who is a very humane man, commisserates your condition deeply, and after prescribing some medicine for you, intends to have you sent to the lunatic asylum on Black-well's Island."

"Oh, mein Got!" exclaimed the Dutchman, sinking against the wall and now for the first time really sick.

"I regret this very much, Swotchel," continued I; the more, because it is my fault in a degree, and I see no remedy for the mishap. No argument that you could use would have any effect upon the doctor. He would only set it down for one of those singular efforts which insanity is sometimes capable of making. Therefore I advise you by all means to say not a word when he comes up stairs, but take whatever medicine he offers you without hesitation; and I will endeavor to get him to postpone taking you to Blackwell's Island until to-morrow. In the mean time you may be able to see your wife and escape. Above all, do not say a word when the medicine is offered to you, for if you should show any symptom of violence or opposition, you would be bound hand and foot."

Swotchel gave another despairing howl and dashing his fist against his forehead, rushed wildly into his cell. There he sat down on the edge of his bunk and placing his hand on either side of him, rocked himself to and fro in the most disconsolate manner. The doctor arrived with a bowl containing a mixture of "Do-vers powders." The Dutchman looked

around as if he expected the intervention of some supernatural assistant, but dis-covering no hope to evade the disgusting draught, he seized it frantically and drain-ed at a gulp. The worst was now to come. The doctor insisted on seeing the fracture of the jaw and directed the Dutchman to remove the bandages. The patient was now nearly mad in real earnest. If he refused, he would be pinioned. If he submitted, he would be exposed and all his hopes of discharge defeated. He first looked imploringly to me for aid, but seeing me with my eyes bent on the ceiling and my mind apparently wrapped in profound reflection, he turned savagely upon the doctor. I verily believe he would have immolated him on the spot if there had been no witnesses by. Just at this crisis, I felt a tap upon my shoul-der, and turning, saw a stout, muscular woman of about thirty five, who, showing me a ticket, asked me for Mr. Swotchel's cell.

"His wife, madam?"

"Yes, sir.

"Ah! look there, madam," said I pointing to the patient; "See what a condition misfortune and disease have reduced him to."

The arrival was providential. The climax was complete. The wife burst into tears; the doctor left the room and the door was closed upon them. In half an hour all their difficulties were settled. The complaint was withdrawn, the discharge obtained and Mynheer Swotchel went on his way rejoicing weeping towards his wife with one eye as he left, and winking to me with the other. Talk about your lawyers! I have given better and more effectual counsel to many of the forlorn victims of an imperfect administration of law here than could be furnished by all the law-yers in the county.

*Gloria in excelsis!* A militia fine col-lector has just been brought in for a most inhuman outrage. The news of his ar-

rival has spread from cell to cell like wildfire and a universal jubilee, in consequence, pervades the prison. Keepers, visitors, police officers and prisoners—all have caught the contagion.— Even the occupants of his cell when they were informed of the character of their companion hustled him rudely about and refused him any privilege on the shelf. He was obliged therefore to pass the night standing erect in one corner, with the mortifying consciousness of the execration of every man in the community, and the disdain even of every loafer in the cell to console him.

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Tuesday Morning, Nov. 28.

*New description of crime—Stealing an Umbrella—The Fine Collector again—How to make affidavits.*

At nine o'clock a little boy, about twelve years of age, was brought in and locked in 127 for *stealing (?) an umbrella!* I discovered the fact by seeing a little hand holding a penny sticking from the pigeon hole of his cell door. He wished me to buy a newspaper for him. Of course I supplied the want without the price. He told me that a man by the name of Hunt appeared against him. A nice notion of humanity that fellow must have to appear against such a child after obtaining possession of his property. How the magistrate came to entertain the complaint I am utterly at a loss to conceive. He probably is not aware that the Supreme Court have recently decided that umbrellas, pen knives and walking sticks are *fruges nati*, common property. The little fellow was sobbing as if his heart would break and begged me to send word to his father and mother of his situation. I did so an hour afterward.

I was allowed to see the militia fine collector this morning. After congratulating him on his condition, I told him that the probability was that he would be sent to the state prison for ten years, and held out the hope to him that if he threw himself upon the mercy of the court he

might possibly have the term of punishment reduced to fourteen.

"I believe you are a professing christian, are you not, sir?"

"Yes, sir."

"And yet you struck a woman with a child in her arms. 'A mother with an infant on her breast, has Nature's passport through the world!' There's religion for you, you pharisaical hypocrite! I hope this will be a lesson to you sir, which will teach you to behave like a man in future, if your nature will not allow you to feel like one."

"I hope it will, sir."

"And, sir, I advise you, if you escape, to retire to your native state, Jersey, and make war hereafter only upon dogs. Good morning, sir!"

Frenhc Jack has just been discharged on bail on the \$1000 note theft. The operation cost him about \$250. This is the fourth time he has been allowed to run for the same offence, and this time it is goodbye to French Jack and the complaint forever. The little boy who stole the umbrella will be sent to the House of Refuge until he is twenty-one years of age, and a fellow on this tier has been sentenced two months to the penitentiary for getting the best of it in a fight. We live in a land of equal laws. Aleck Hoag has already spent \$300 in trying to obtain bail. As he is able, and will eventually bleed to the amount of \$1000, he will not probably be released for several days. There are four judges who have not been applied to yet; and a motion before each of them is worth \$100. In such a case his counsel could hardly be expected to make a convincing argument before the first.

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Wednesday, 29th Nov.

*A popular error—Reception of Visitors—Discharge of the Militia Fine Collector—Practice of persecuting bail—committed till paid.*

Ten days of my confinement gone and yet I do not feel depressed a jot. It will all be gone by and bye, and then hurra for satisfaction. Talk about the forgiveness of injuries! Gabble and chaff for old women and children! Revenge is the prerogative of manhood! I am not fool enough to be

consoled for my confinement by the consciousness of my innocence. That is a common and a false notion. There is no reflection so poignant as the consciousness that one's sufferings are undeserved. The criminal takes the chances of punishment into consideration when he meditates an offence, and when justice overtakes him he consoles himself with the reflection that he has got no more than he bargained for. But the innocent victim of mischance or conspiracy endures the double torture of the world's unjust rebuke and the actual penalty which is the reward of real crime. His soul lashes itself to madness under the wrong, and yearns in frenzy to paint to other's minds the honest picture which is so apparent to his own. Hell knows no torture more refined.

As I write, three visitors of the prison, are peering in at my room door as though I were a wild beast kept for show. By their ruddy faces and the dreaminess of their stare, I perceive they are from the country. Two of them are females and one of the two is very pretty. Beauty has its value everywhere. Here it looks like a soft moss rose blowing on a rock. "Good morning miss," said I to the prettiest, looking up, after rounding a period.

"Good morning sir," said she timidly, after conquering her embarrassment.

"What are you in for, young man?" said a cracked voice out of the white handkerchief which swathed the scraggy neck o a great lout who accompanied her.

"Murder!" said I, coolly playing with a large clasp knife which the Good Samaritan had lent me to cut a prop for my window, and looking him directly in the eye.

"My God!" exclaimed both the ladies at once, and the whole three exchanged glances of horror.

After regarding me for a minute or two longer, they moved on, rounded the corridor, and stationing themselves opposite, watched me for a full quarter of an hour. They then went down stairs, having doubtless detected the impress of voice upon every lineament of my countenance. I would have given either of the ladies a better answer.

The militia fine collector was bailed out yesterday afternoon in the sum of \$1800 on six complaints. On going into the

street from the prison, both he and his bail were completely floured. The former struck straight for the water and took the nearest route for the Jersey boat. The last that was heard of him, was that a spectre was seen rushing down West street, with its hands clasped in the air, looking neither to the left nor right, exclaiming "What shall I do to be saved?"

I am opposed to the principle of persecuting bail, by publishing their names and otherwise, for several reasons. There is no wretch so abject or degraded but has some friend who looks at his character in a milder light than others, and a man should not be persecuted and abused for obeying one of the holiest impulses of human nature—relief to the distressed, at a personal risk and sacrifice to himself. Besides it is a right which the constitution of our country guarantees to every man, and it is a right founded on high and benevolent principles. It is true, it is frequently prostituted by corrupt men to bad purposes, but one innocent man might suffer from the adoption of a rule which would interfere with its widest exercise, and it is better than a thousand villains should escape than such a wrong be done. It is customary with reporters who wish to gratify a personal dislike or spite, or who think to accomplish the great objects of justice by narrow practices, to threaten the exposure of any man who dare go bail for a certain criminal. The introduction of such a system is dangerous and unjust. It is the usurpation of a power superior to a provision of the constitution. I would not publish the name of Aleck Hoag's bail. This I consider as going to the extreme of demonstration.

There are a number of persons on this corridor imprisoned for assault and battery, who remain here on a fine for which they are to stand committed till paid. This system is wrong altogether, and its results are unequal and oppressive.

In punishing an individual with a fine and ordering him to be "committed til paid," there should be some new and certain rule adopted. The object of sentence is to measure out that degree of penalty which the nature of an offence deserves—not a pecuniary speculation. If a man be sentenced to pay a fine of fifty dollars for an assault and battery, it is manifestly un-

just to imprison him a year, or all his life-time in default of payment. The proper course to pursue in such cases is, to first ascertain how much the prisoner, if he be a working man, could earn if he were at liberty, and to set that to his credit in discharge of the mulet. The amount, properly, should be doubled in his favor in consideration of the additional punishment of imprisonment. If he can earn, when out, twelve shillings a day, three dollars a day should be set to his credit; so that a fine of fifty dollars would amount to sixteen days imprisonment—an incarceration, long enough, in all conscience, for the sum demanded. Any other rule is oppressive, imperfect and unjust. Imperfect, because it has no bound or limit, as all legal sentences should have, and as it leaves at the mercy of a fallible tribunal the tremendous powers which should only be confided to the Supreme Legislature—and oppressive and unjust, because its operation and result are unequal. The rich offender pays his fine at once, turns on his heel as gay as a lark, and goes scott free of any real punishment; while poverty, terrible poverty, is made a crime, and its unfortunate victim is thrust into a prospectless confinement.

Think of this, ye Solons of Centre street.

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Thursday, 30th November.

*Scene in the Five day cell--A Democrat in quod.*

As I passed this day in a manner entirely uninteresting to myself or the public, I will pass on to the evening.

This is the Good Samaritan's watch night, so we have made preparations for an oyster supper down by the stove.

"Joe, how would a pitcher of Tom and Jerry go now?"

"Oh it wouldn't go at all; besides the community is down on Tom and Jerries."

"Indeed! Well then we'll have to content ourselves with this little jug."

The community is down on that jug too; but as it is a small one, the community is not so much down on it as it is on a big pitcher of Tom's."

In the middle of the supper a voice called out from the "five day" cell for a light.

"A light! O yes!" said the Samaritan, mastering a tremendous oyster, "I'll send you one of these spermaceti fellers."

Voice—"I want a light, sir!"

"Well, did I ever hear so much!"—gulph!—the burial service of another oyster—"Silence, pauper! you aint got a cent! You aint nobody!"

Voice—"There's a man sick here."

The Good Samaritan dropped his fork, seized the lamp without saying a word, and hurried to the cell. On opening the door, the most painful and heart sickening sight that ever met my eyes, broke upon me. The cell was the same which had been occupied by the infamous militia fine collector, and was nearly filled with bloated and besouled vagabonds, who laid huddled all together, spoon fashion, on the shelf, which I have before described. The very air was musty and putrid with the fetid odor which exhaled from the filthy bodies of the inmates of the cell. The ceiling dropped its deadly damps upon the floor and ran then in zig zag streams adown the walls. I stepped back a moment to relieve myself from the stifling effluvia which rushed from it into the outer air. A pale, hatless, shoeless, ragged and emaciated wretch, stood before the entrance, and on seeing us pointed to the body of a man who lay stretched at his feet, in a state of perfect insensibility. The sufferer lay upon his back and his pillow were the burning pipes which heat the building. In this situation he must have died before morning, had not the humanity of the miserable wretch who called us, been directed to his case. He could not see to help him without a light, and even with it, his puny strength would scarcely have sufficed to raise the sick man's head. That man, with all his degradation, is an honor to human nature. Favorable circumstances would have made him an ornament, instead of a blot to society. "Come, my man," said Joe to him kindly, "take hold of him on the other side and I'll put him in a good cell, and you shall have a light all night to watch him." Suiting the action to the word, the two Samaritans lifted the man up and con-

veyed him to a clean apartment next door. "Hold on," said Joe, before locking the door, I'll get you something to comfort you, before you turn in. Here old feller is your candle. Here is a chunk of beef-steak and a piece of bread. Now toss off this toddy and you will be all right. The community is decidedly in favor of encouraging such chaps as you."

"They aint any thing else, Joe!" said Williams from behind.

Not yet satisfied, the good Samaritan returned to the five day cell, and seeing that the bunk was so full that one big Irishman was hanging half over it, like a cast away sausage, he roused him up and told him to come to another cell. This fellow was a most unmitigated Ree Dee. His hat was a mere pipe, entirely devoid of brim, and its surface looked as if it had been on a month's duty as a pocket-handkerchief. His coat was slit up the back, and a flag of a most equivocal color hung down behind from a rent in his breeches, which ostentatiously asserted the actual presence of a shirt. He had a boot on one foot, but the other pedal extremity was uncovered, leaving as a contrast to its clothed brother, a gfeat, red, dropsical looking lump of flesh, covered with a coating of mud which was cracking off in little scales.

"Come this way!" said Joe, emerging from the cell; "forward, march!" After seizing a little bundle,—(perhaps his worldly all, and doubtless a valuable kit,) and jerking it dexterously under his arm, the fellow obeyed the order. After the Good Samaritan had locked up the five day cell, he held up the light before the prisoner and surveyed him from head to foot.

"Are you a citizen of the U. Statss?" said he after he had finished his scrutiny.

"Yis, sir."

"How long?"

"Twenty five years."

"Vote the democratic ticket?"

"Yis, sir."

"What ward?"

"Tinth."

"Always been a Dem.?"

"By my sowl."

"Got any stuff?"

"Niver a cint."

"Never mind, you're one of my consti-

tuents. Go in there. There's a good bed for you. Stick to the reg'lar ticket ol' feller."

"Niver fear, sir," said the reg'lar woter, giving an artful dodge through the narrow door-way, and playing the Scotch fidele involuntarily as he vanished.

After complimenting Joseph upon his humanity and discrimination, we all returned to supper, which being thereafter briefly disposed of, I ascended to my sky parlor for the night.

Friday morning, Dec. 1st.

*Reward of virtue—Special Sessions—A new customer—Morality of the prisoners.*

The sick man of last night has perfectly recovered from his indisposition—and with his benefactor was returned to the "Five day" cell at six o'clock this morning. He has been amusing himself for the last half hour in knocking down some of his compatriots, and among others, the philanthropist who saved his life the night before.—A new proof, this, of the truth of the proverb that "virtue never goes unrewarded."

This is the day for the sitting of the Special Sessions and we shall doubtless lose a number of boarders from our tier. I went the rounds at nine o'clock and listened to the communications and inquiries of most of the prisoners. Not one in this department but solemnly asserts his entire innocence of any crime. All are in for nothing. Of course I agree with all of them that justice is shockingly administered in this county. It is amusing and at the same time painful to see those whose names are called come out of their cells to go into court. Pale, trembling, hastily arranging their clothes and trying to smooth down the hair which bristles in every direction and bears a thick fleece of blanket wool, they totter into the corridor and go fearfully down stairs. It is indeed a terrible ordeal which they are about to face.—Terrible from the absoluteness of its power, and the dreadful uncertainty of the extent of its capricious exercise upon their case.

I have been reading "The Mysteries of Paris," to-day, and perused that part which describes the prison of La Force and its inmates, with the greatest interest. The descriptions of the author are masterly, and the effects of imprisonment are depicted with an almost omnipotent pencil. Eugene Sue makes some mistakes however, one of which is the assertion that the depraved offenders against the rules of society delight only in stories inculcating virtuous sentiments, and reject all others with extreme repulsion. He accounts for this by alledging the natural inclination of the human heart for virtue. I have had a good opportunity while here to observe the natural inclinations and tastes of most of the prisoners, as, before me, they are not controlled by any reserve or restraint; and I find that so far from being disposed to virtue and virtuous sentiments, their conversation is continually ribald and indecent. All the stories told through the pipes, with the single exception of the history of "Jack, the Giant Killer," feelingly related by the Wampanoag, have been coarse, profane and obscene in the highest degree, and the utterance of a moral sentiment is sure to draw down upon the speaker the ridicule of the whole tier.—This is but natural; for obscenity and the filthiest animal degradation have been their daily regimen for years and they naturally fall to them as a settled habit of life.—They may, notwithstanding this, occasionally be highly interested in the relation of a well managed moral tale, but that virtuous sentiments are not encouraged here I am well satisfied. Indeed, on the contrary each man appears to endeavor but to show how much he can outdo his neighbor in vulgarity, and in affecting a recklessness as to his situation.

I have some doubt also in my mind as to the motive alledged as the cause of the interest in such stories, for there are criminals here, both male and female, so utterly depraved, that it would appear as if their bosoms had never been actuated by a purely virtuous aspiration in the whole course of their lives. With them, the charm would rather appear to be novelty, than a longing after virtue. A person who is gasping under a satiety of pork and beans cannot be tempted into further excess by

another plate of the same food, but place before him the wing of a woodcock or a bottle of choice wine, and my word for it, if he do not eat the former, he will at least drink like a fish of the latter.

Saturday morning, Dec. 2.

*Tillou in hockletie.*

This is the first Saturday morning in five months in which I have opened my eyes without a strong sense of anxiety in regard to matters of business. My connection with the "Subterranean" closed last week, and no line of mine appears in it from this hour again.

The "Good Samaritan" is taking an inventory of his tier, and freshening the record of names upon his slate. He has reached 127, and on opening the door finds a new comer of the night before.

"What's your name, my lord?" inquired the deputy with matchless dignity.

"Tillou!" answered a voice from the remotest depth of the cell.

"Tillou? Ah, that name is behind the age! Tillou, eh! (writing) You advocate economy and retrenchment, do you, you sucker! Economy and retrenchment are very good outside, but they won't do on the fourth corridor of this pris. I'm down on them principles, I am—decidedly! The community likewise. Your wind is gone, ol' fellow!"

"So, Joe, Tillou has got his deserts at last."

"Yes, yes; I knew this corridor would fetch him up before long."

"What has he been brought in for?"

"For stealing a coffin."

"To what base uses may we not return?"

This quotation appeared to arouse Joe's poetical recollections, for after a moment of profound thought, he started from his reverie with the exclamation—

"Though in the trade of war I've slain men  
I'll forget my office for a moment in a glass  
of toddy. Such moral spectacles as that  
in 127 overcomes me, and renders me 'no  
longer valiant!' Well, here's luck!—  
And now again to business.

## THE MYSTERIES OF THE TOMBS.

"One hundred and twenty-six, 'appear! appear! appear!' What's your name, sir?" and the "Good Samaritan" continued taking his census.

The coffin thief was this evening the object for the attack of the whole tier.—The fiat of the "Good Samaritan" had settled his position. He denied the larceny when interrogated, but Williams insisted that he had heard him acknowledge his guilt, and also avow that he would steal a shroud in the bargain the next chance he had.

"Yes, and I heard him!" "And I, too!" "And I!" shouted voice after voice.

"We'll all swear to it," said the moral Irishman in 122.

"Well, I'd gib a half a dollar to be in court and hear dat trial;" said the Wampanoag.

"What do you tink he'll get?" inquired a dusky victim to the effects of jealousy from 133.

"Twelve months on the 'Island,' and an order to the keeper of Potter's Field, inscribed 'Please inter the body of Til-lou';" responded the "Good Samaritan," who had just entered my cell and heard the last question.

The object of the conversation at this gave one long despairing howl, and fell back amid the laughter of all his mischievous persecutors.

Shut pipe.

SUNDAY, 3d December.

*Dangerous Accident—Practical Joke—Mrs. Ragee—Malachi Fallan—Character of the Keepers.*

I WAS much amused to-day by the relation of some circumstances which occurred during Mike Walsh's incarceration here. At eight o'clock on the fourth night of Mike's imprisonment, a cry of distress accompanied by an exclamation of "I'm scalding to death!" was heard from a cell on this tier. The keepers in alarm ran instantly to the door, and discovered that one of the pipes had burst and was deluging the cell with scalding water. A dense steam burst out into the air, and in the first cloud the inmate of the cell emerged upon the corridor in an agony

of fright. He had been startled from his sleep by a sense of suffocation, and awoke to the terrible consciousness that his cell was fast filling with scalding steam and water, and that unless relief soon arrived, a horrible death was inevitable. He immediately fainted when released, and it was some time after his recovery, before he could be persuaded that he was alive. The news of this circumstance spread rapidly through the prison, and when night came again a universal terror spread its effects to every prisoner. In the darkness of their cells each one dreaded a repetition of the calamity upon himself, and whenever the pipes tinkled with an additional degree of heat, would spring from his bed to ascertain his safety or his danger by feeling them.

Taking advantage of this state of dread, Mike took a fork, and, rattling it between the heaters, produced that peculiar tinkling sound occasioned by a new accession of heat. The inmates of the tier were instantly under "exercise of mind," as the saints say, and a breathless silence ensued. As soon as the first effect was produced, Mike went to his pipe and screamed fiercely down it—

"Look out! look out! The pipes are bustin'!"

"Och, murder! murder!" shrieked 122.

"Open the doors," shouted another, "we're all scaldin' to death."

"Help! help! help!" then shrieked all in full chorus.

Cries of all kinds were added; the prisoners hammered frantically against the doors, and the shrieks of terror that split the air sounded like yells wrung from the anguish of the damned.

"Stave out your windows!" again shouted the mischievous tormentor; "stave out your windows! or the steam will stifle you to death!"

"Och, murder!"

"Oh Jasus!"

Bang! crash! rip! smash!

122.—Oh Jasus! the pipes are bilin' hot! Help! help! Are ye all heathens? Is there no humanity in the prison?

127.—O! for de lub ob God! O!

CHORUS.—"Murder!" "Fire!" "Help," "O Jasus!" "Down wid de prison!" "Murder!murder!" &c. &c.

The whole prison was in a perfect uproar, and the keepers bewildered and alarmed, dashed from door to door and let the terrified dupes out upon the corridor. The joke of course was soon discovered, and the merriment on the subject was proportionable to the former fright.

I had a conversation down by the stove with Mrs. Ragee this morning. She is a very interesting little woman—more interesting in consequence of her promise to soon become a mother for the first time. She is somewhat worn and haggard by agitation and confinement, but a few weeks of quiet and repose of mind, would make her handsome. She is at present very comfortably situated, Mr. Malachi Fallan, the head keeper, having with a generosity which does credit to his heart and judgment, given her an asylum in the house of his own sisters. There is no position in life but will enable a good man to show his value to society. Mr. Fallan has in this case, in a great measure, atoned for the infamous wrong done to Mrs. Ragee by the stupid and inhuman grand jury who indicted her, and the injuries of the abandoned young wretch who sought to blacken her character after betraying her husband. In the first place, he ameliorated her condition by allowing her to share the same cell with her husband, in defiance of the brutal regulation which forbade it. He evaded the difficulty by purposely leaving town at the time of her incarceration. Though this was a breach of duty, I mention it to his honor. Let the powers which can remove him, make this piece of elevated benevolence and humanity, a charge against him if they dare! In the next, he has afforded her the shelter of his roof and the bounty of his table when the rest of the charitable world have turned their backs upon her. Pharsaical philanthropists would have contented themselves with offering to her the insulting consolations of cant. Mr. Fallan unostentatiously extended to her and her husband the substantial benefits of real assistance.

I love to dwell upon such a subject as this. Humanity is not the common inmate of a prison, but when we find it there, it is like a precious jewel in a caver, and all who see it should bear witness to its brightness. The man who refuses

his tribute of applause to unobtrusive worth, is a traitor to his kind. Contrast Fallan's conduct with that of the corporations whom Saunders' schemes were intended to defraud. They have repossessed themselves of all the money paid upon the forged checks, with the exception of an inconsiderable sum spent by Saunders in clothes and trifles which they still suffer him to retain. They plundered Ragee of forty dollars of his own money, which though applied for, they still refuse to return, though they know him to be penniless, and his wife to be the object of a prison keeper's charity. It has been well said that corporations have no souls.

There are many other circumstances which I might mention to Mr. Fallan's honor, but on account of my position here I forbear.\* His example, as in the case of Colonel Jones last year, has extended its benign influence throughout the prison.

The keepers are attentive and obliging to the prisoners, and allow them every privilege consistent with their safe keeping. Every want consistent with the rules is supplied; they are allowed to turn out upon the corridor for a walk every now and then, and humored in the amusements which they adopt to stave off the gloom of the evening. What a difference between the two last benevolent administrations and the administration of old Hyde! He never had a keeper who was ever known to smile; the present set are as cheerful as larks, and from their mode of performing their duties give another aspect to the prison. And yet some of the present keepers were under Hyde. Then why this change in them? Because, a man, if encouraged, is just as ready to do good as evil, provided it do not oppose itself to any direct personal interest. There is a common notion in regard to the inhumanity of jailors, which is as erroneous as it is common. The turning of the key upon the unfortunate, is thought to be the influence which brutalizes them. It is no such thing; but when unmerciful and tyrannical, they are made so by that very power which renders this verdict against them. The kind, the generous, the charitable opinion of the world upon

\* The reader must bear in mind that this Journal was intended for daily publication.

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every victim of an arrest, is the influence which brutalizes them. Could a jailor expect to be ahead of his age in humanity? Is it not natural, that thus encouraged, he should prove the consistency of his views with those of society, by seizing the victim by the collar and hurling him, innocent or guilty, unpitied into his cell! Thus has it been for ages; but it has not been so during the last two years in this prison. This is not on account of the improved state of society; but on account of the humanity of the two last heads of the establishment.

MONDAY, 4th December.

*Serious reflections — Commitment for Puseyism.*

I AWOKE this morning with a headache. I begin to have serious doubts whether prisons ought ever to be built, and whether one set of men, entertaining one set of views, should have entire control and sway over those who differ with them. In short, I doubt whether it is right that Wall street brokers and pettifogging lawyers, who steal and extort by cunningly devised systems, should have the power to lock up their simple and unscientific disciples who steal outright. This subject needs reflection.

"Honor is the subject of my story," said the Good Samaritan, dodging into my cell just as I had finished the last line of the above.

"Ah, my lord! good morning! Are you anybody this morning?" continued he.

This enquiry alluded to the state of my medicine chest, and was accompanied by a side glance at the bottles on the shelf.

I answered by pointing at two bottles in which the respective royalties of France and Holland were respectably represented.

"Which will you have, Joe, his Dutch highness, or his Gallic majesty?"

"Honor is the subject of my story — pass the red, vite and blue. 'Ye sons of freedom, awake to glory!' Well, here's luck!"

"How does the community stand this morning, Joe?"

"Oh, the community aint any more. They're down on themselves. They're

all gone over to the American Republicans. Well, good morning ol' fellow; there goes the bell and I must go and feed the tier."

A young man of highly respectable connections was brought to the watch-house this evening and committed by the benevolent and enlightened Captain Fisher, on a charge of Puseyism. He had stopped in at Johnny Maffit's conventicle on the corner of Catherine and Madison streets, to listen to the exercises. The house was full and he stood up in the aisle. After the lapse of a few moments, one of the saints ordered him, in a tone which would have done honor to old Hays, to "take a seat and sit down!" He replied that he preferred standing. The order was repeated still more peremptorily, and he again returned the same objection to it. Upon this, Christianity seized him by the throat, and with the aid of two or three more disciples of the "meek and lowly," hustled him out, dragged him to the watch-house and swore out a charge of his having disturbed public worsh'p. The orthodox leatherhead who sat upon the bench, listened to the complaint with horror, and consigned the monster to the darkest dungeon of the prison. I must inquire more particularly into Captain Fisher's principles. I believe he denies the authenticity of the Apochrypha. He deserves well of the community.

TUESDAY MORNING, 5th December.

*Guinea Pete; or a new version of Othello, or the Jealous Nigger — Babe, Matthews and Pete Williams — Visit to female prison — Relentless cruelty of society to erring women — Police officers and their means of revenue — Amelia Norman — Melinda Hoag.*

THE Good Samaritan entered my cell this morning at a very early hour, bearing in his arms a number of Chinese ornaments which were piled up to his chin, among which were two green plaster jars overflowing with a lively imitation of lemons and peaches.

As Joe proceeded to arrange them carefully and to the best advantage on my shelf, the latter strongly reminded me of

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a nigger parlor in Cumminipaw, where they are generally supported by a pair of conch shell a garrulous poll parrot, or a pet monkey. I lay raised upon my arm while Joe was going through h's operations, and after he had concluded them to his satisfaction, I asked him what it all meant.

"Tributes from the vasty deep," exclaimed the Samaritan, throwing himself back to gaze on them admiringly; "Chinese fellers—trophies!—spoils of war won by Guinea Pete!"

"Guinea Pete! Who is Guinea Pete?"

"What! don't you know Guinea Pete?"

I confessed my ignorance.

"Why ol' fel, you're behind the age. Guinea Pete is the big knock-kneed nigger you've seen in the kitchen. He was sentenced to the Island, but we keep him here to tend the furnaces. We let him out last night to see his woman, but instead of playing Romeo, he performed Othello or the jealous nigger. He went up stairs softly to inflict her with an agreeable surprise, when he caught a big buck nigger in her arms, and he gave 'em both *peccavi*, and after clearing the premises, swept the house."

"And these, I suppose, are the fruits of his victory?"

"Yes; and emblems of the rival darky's love."

"Under these circumstances I think Guinea Pete's written opinion on female constancy would be interesting."

"Ay yi! The way he'd hurry up the cakes on 'em would be a caution! Well, so long, my lord, I must attend to business. Good morning."

"Good morning, Joseph."

A detachment of officers, headed by a deputy marshal named Smith, have just come in with two pair of handcuffs for Babe and Matthews. They are to be conveyed to the United States' Court in the Park, to be arraigned. Babe puts on the irons smilingly and walks out perfectly self-possessed. Matthews, the state's evidence, hangs down his head and sneaks along like a dog.

Pete Williams, the fire boy, who stabbed Stanley in an engine quarrel, stands with his mother, gazing on the scene. He has been entertaining two prostitutes for

the last half hour, and he now leans against the railing with his legs crossed, and puffs a segar as he listlessly observes the show. His mother, who has not been able to speak to him or engage his attention since the arrival of the prostitutes, gazes at it in speechless dread, and thinks of the hour when her son will have to endure a similar ordeal.

After dinner I went down to see Babe, to hear his account of his visit to the court. He was in capital spirits, and volunteered a relation of the whole matter. He had been followed, he said, by a great crowd of people, among whom were a lot of little girls and boys, who, as they ran along, cried out, "There go the pirates! They're sure to be hung!" and then he smiled at their simplicity. "Hope springs eternal in the human breast."

The appearance of Babe surprises every one who comes to see him. Instead of finding a ruffian stamped with every lineament of villainy and vice, they find a tall, noble looking young fellow, not yet twenty-four years of age, with a clear, bright, intelligent blue eye, a remarkably open and ingenuous countenance, a manner combining frankness and amiability, and a smile of almost irresistible pleasantness. Whatever circumstances may have made him, surely nature never intended him for a murderer.

I went into the female prison this afternoon for the first time during my stay here. It is indeed a most melancholy sight to see a woman in prison, and the man who can walk through this building without a strong sentiment of pain, must be hardened beyond all my notions of callousness and inhumanity. Many of the tenants of these cells should never have experienced the terrors of a prison and are here only as the unfortunate victims of ravenous official vultures, who wring from their unjustified arrest a tribute to their devilish avarice.—Society does some monstrous wrongs in carrying to extremes their moral notions, and indirectly warrant and abet crimes which if laid before them in their naked light, would startle them with horror.—There are women in this prison,—and I know I shall excite the scorn of some and the ridicule of others by the assertion,—who, notwithstanding their previous degr-

dation, are as moral at heart and as ardent in their aspirations after virtue, as the coldest dame who chills all approaching ardor into ice, or the tenderest maiden who knows vice only through the terrible pictures of precautioning friends. There are females in this prison who were born equal to any station in life, and who might yet become ornaments to society, would heartless and hypocritical society but practically encourage the principle which they pretend to uphold in theory, that it is "never too late to repent." Here is a principle which is ever in the mouth of the world, but let a poor devil who has been the victim of a single fault struggle to retrieve her error, and see whether this fair-spoken world will not strike her in the face and drive her contemptuously back to her destruction. Alas, poor woman! "Let her be as pure as ice, and as chaste as snow,"—let her have been through every hour of her previous life the paragon of all that is sweet and amiable in nature; the charm of all eyes and the pride of every circle; faultless, sinless, stainless; let her have been all this, and yet for yielding in an evil hour, to an overflow of the very qualities that made her this, she is damned forever. Those who praised, denounced; those who loved, hate; those who cherished, persecute her. All combine in one general conspiracy; mingled sneers, scorn and execration drive her from society; her trembling hands that are raised to implore pity, are beaten down; her winking eyes that stream with remorseful tears, awake no sentiment of pity, and her tender head, that once was held so high in the pride of deserved love, is crushed and trampled in the dust. Her own sex, whose similar danger should teach them sympathy and commiseration, are the loudest in the tempest that destroys her, and their bosoms are flintiest to any sense of pity or forgiveness for her offence. Her sole reliance then is the faith of him who has already betrayed her, and if that last and solitary hope should fail, the sole alternative reserved is *prostitution* or *death*. How many of those whose wicked persecutions whistle her back from every effort at repentance, could withstand this dreadful alternative if offered to themselves!—But some will say, prostitution is not in-

evitable nor obligatory, for if cast upon the world, there is the poor house as a refuge! Yes, there is the poor house, with its confinement, its prison food, its community of superanuated wretches who combine the characters of drunkards, thieves and harlots, and its consequent social degradation; for society, just society, makes poverty a greater crime than harlotry, and would much sooner countenance a strumpet whom fortune has gilded with success, than the despised wretch whose misery has forced her to accept their extorted alms. These are the causes and influences which bring many a pure spirit to a brothel, and bring them to loathe and detest their miserable condition, more than those who affect to despise them can possibly loathe and detest it, and to yearn sometimes for escape, even though it be the release of death. There are many exceptions to this I admit, for there are many deliberate prostitutes who have been known to enter houses of ill fame voluntarily, and to deliver themselves up to shame without any previous contamination, but merely for the enjoyment of its apparent pleasures or as a refuge from the poverty which degrades them and that refuses the adornments of person for which their vanity has always longed. These prefer pleasing the eye, to pleasing the mind as; the first pays its tribute of homage at once, while the latter refuses it forever, except in a negative applause for good conduct, by abstinence from abuse. Thus will it ever be, until Providence devises some plan to reward virtue as well as vice. The latter cases, however, are the exception; the others are the rule. One half certainly fall through an excess of generous and trusting qualities of heart; another large portion are victims to errors of nature in a burning temperament joined to a simplicity of mind which affords no barriers against temptation; and the smallest number sin from natural depravity. All these different causes and impulses bring them to one place, and reduce them to one level, where the partially good are confounded with the utterly bad, and where all are subject alike to the persecutions, extortions and tyranny of a band of petty rascals in office, who make themselves the recipients of their wretched gains, by virtue of their

power to extort them. They do this without any show of right, for by the laws of this state, and every other rationally governed state, neither adultery nor fornication are crimes but they, do do it, and do it too with no other sanction but the villainous principle that "might is right." As the system pursued for this description of extortion is an interesting one, I will bestow some time upon it; and I can at the same time fulfil a promise made in an earlier part of these pages to give some notion of the manner in which the officers of the police derive their revenues. The simple and unsuspecting, who only look upon a police officer as a minister of justice and on a magistrate as the pure and dignified dispenser of the law, imagine that the former thrive simply upon six shilling fees for every arrest they make; and are by no means aware that a large number of them are the pensioners of brothels and derive four-fifths of their income either directly or indirectly from female prostitution. In their ignorance of this, they are also strangers to the luxury of laughing at the ridiculous spectacle of these fellows pretending to be arrayed against a class which puts clothes upon their backs, money in their pockets and furnishes them with their bread and butter. This revenue is collected in different ways. One prostitute may have a difference with another which results in blows. An officer arrests each party at the complaint of the other and each pays five or ten dollars to be released. A landlady retains the clothes of a delinquent for board. An officer recovers them and receives in pay a liberal fee and perhaps a *tender favor* in. Balls are given in palaces of pleasure and two officers receive five dollars each, for maintaining peace and protecting the *filles des joies* in the quiet enjoyment of licentiousness.

But the most lucrative depredations which made upon this unhappy class, are obtained by foray; or, in other words, a general descent of the magistrate and a posse of officers upon a house, and a sweep of all of its inmates into the Tombs. This is done on pretext of the aforesaid house being "disorderly," and some familiar devil of the Tombs is made to previously swear out a complaint to that effect as a sort of justification of the outrage. The women are

then seized and dragged rudely to prison and locked up. On their way, each officer who has one in charge, pledges his victim his eternal friendship, and receives in lieu all the money she has about her as an earnest for his good offices with the magistrate in getting her discharged. In the morning, the terrors of her confinement has rendered her willing to any sacrifice, and she then takes out her ear rings and strips her fingers to urge his aid again. The officer pockets this lawful plunder, but still makes no effort to release her, for there is yet another source which will yield a tribute, if she is kept a little longer. She has a *cher ami* outside who is interested in her fate and he will come down handsomely for the deliverance of his lady-love. The lover found and sounded, there is no further reason for her detention, and she is accordingly discharged on sham bail, with an admonition, which, if meant, would be suicidal to the interests of him who gives it, to "never do so again." Sometimes one of these poor victims of official tyranny will be betrayed into an outburst of indignation, and if this should happen to be accompanied with a refusal, or inability to pay, she is sent to Blackwell's Island by the indignant magistrate as a vagrant, and then, good night to her forever.

I know a most aggravated case of this kind of extortion. A party of young French girls, the mistresses of some military officers at Quebec, came on to this city on a frolic. Two of them were only sixteen years of age, and knew nothing of the world beyond what they had gained through their connection with the officers who had seduced them. All put up together in a house somewhere up town, but had been there only four days, when word reached the police office that a party of French girls, with plenty of money, had just arrived and stopped at such a number in such a street. The magistrate to whom it was told was in extacies. It was a pecuniary godsend, which would enable him to pay a shortly coming bill, and he fervently thanked Providence for the blessing. A complaint against them was sworn out at once, for fear some other magistrate should get the start of him, and about five o'clock in the afternoon the descent made. Almost ignorant of our language, trembling and terrified, the wretched girls were

seized unceremoniously and marched, shivering in their gossamer in-door dresses, through the chill of a bleak October day, to the Tombs. They were thrust all together into a cold, damp cell, ignorant of their offence, and left to the terrors of an imagination which had never yet conceived a scene so horrible as this. The magistrate who committed them went home to a comfortable supper and snored sonorously between the softest blankets; the poor girls, who were his superiors in every thing, who had been reared in luxury and always been the object of tenderest solicitude, wept in a shivering circle upon a dungeon floor. By special favor, some humane keeper had given them a light, and they enjoyed its meagre cheer till ten o'clock, when a huge rat, apparently inspired with a spirit congenial to the magistrate's, jumped suddenly through it and knocked it out. This was a signal for redoubled terror, and huddling closer together they clasped themselves in each other's arms for protection. In this position, worn out with weeping, they at last fell asleep. Their repose lasted until four o'clock in the morning, when they awoke and found four or five inches of water which had overflowed into the cell, welling against their sides. They ate no breakfast, but at breakfast time received the visits of the officers who arrested them—tempted them to humanity with all the money and valuables on their persons, and informed them of the names of some who might interest themselves in their release. This necessarily delayed matters until a late hour in the afternoon, when all the strings having been pulled and all the contributions being in, the magistrate wiped the recent traces of venison steak and Scotch ale from his lips, and called them out for examination. He took them into the privy chamber, one by one, and there, in the widest sense of the term, examined them. As the public may have some curiosity as to the nature of Star Chamber examinations in such cases as these, I will describe this one for their especial edification.

The magistrate approached the trembling girl, with his arms clasped magisterially behind him and his brows bent upon her in a most magisterial manner. He asked her her name, age, place of birth and

business, and after receiving answers to these questions, relaxed a little, and in a softer tone inquired who seduced her. He relaxed a little more, made his tone softer still, and then asked her *how?*

She blushed, hung down her head and made no answer.

The representative of justice laid his hand softly on her shoulder with the insinuation of a cat, and relaxing his countenance still further, till he became positively amiable, remarked, as he slightly compressed his fingers in the moulded beauty between them—" You are very pretty."

" Oh, sir!"

" Indeed you are! (another amorous compression with a slight change of latitude,) Why, what a pretty foot you have! What a pretty ankle, too, and"

" For shame, sir!" cried the outraged girl, coloring scarlet and repulsing him with indignation.

" Come, come!" said his honor, resuming his sternness and adding to it with a most formidable frown, " recollect where you are, and who I am! I am informed that you have been engaged in passing counterfeit money."

" Oh, mon Dieu!"

" Yes; I have been informed that you have been engaged in passing counterfeit money, and I intended to search you in as delicate and gentlemanly a manner as possible."

" Counterfeit money!" exclaimed the astonished girl in surprise, and forgetting her delicacy in her terror at the charge, told his honor he might search her and see; and in the impulse of unthinking innocence, pulled forward her dress and revealed to him the treasures of her bosom.

His honor peeped into it, as eagerly as a Turk would into the seventh heaven, and inspired by this into extraordinary diligence, (though he found no spurious indications there,) he continued his search in a most faithful manner.

She hoped his honor was satisfied.

Not quite; French women were very adroit in concealing their money; they did not only trust to the intricacies of their clothes, but sometimes—

\* \* \* \* \*

The magistrate continued his search, and after protracting it for several minutes,

Justice was satisfied. Hard luck if it wasn't! I might attempt and succeed in getting up an indignation on this subject, but I suppose it was all meant in a joke, and so we might as well laugh it off.

After his honor was through, he discharged the prisoner, on condition that she should not repeat the circumstances of her examination, and that she should leave the city within three days. The same ceremony was then performed, in detail, with the other three, and they were released upon the like condition.

These magistrates have fine opportunities for studying human nature, but they sometimes carry their researches to extremes.

The above is a very favorite description of foray, but there is another which is equally effective and sometimes quite as profitable. It is a custom which has been adopted by certain magistrates when short of money, or desirous of some amatory investigations, to sweep the streets of every unprotected female and throw them into prison for daring to breathe God's free air out of doors. This is done under cover of a most villainous statute called the vagrant law, which, though it does not at all apply to these poor girls, who have homes and means, is yet made the instrument of their abuse, and a pretext even for their incarceration at hard labor upon Blackwell's Island.

It is indeed terrible to be weak when tyranny and outrage are sanctified and warranted in wicked might.

Private foray or descent upon houses is generally the most lucrative, for it frequently involves the discovery of men who will pay largely for the concealment of their names, and there have been instances where men of families, *standing and reputation*, who carry around the plate in churches on Sundays and denounce immorality as Grandjury-men, have paid hundreds of dollars as hush money to the deprecating *stirri* who have detected them.

Very large amounts of money have frequently been, and still are made by officers in this way, who search touch houses, or in other words, houses where robberies are committed on the panel system. Pocket books have been found in the possession of negroesses who play the lavish Venus to the mad desires, containing the names and private papers of merchants and professional men of the most unblemished characters. These are carried to the owner by the fortunate officer who discovers them, and who first demands a private interview with the derelict. The latter at first denies the charge with badly assumed indignation, but at length being shown the proofs, reluctantly gives in and finally comes down handsomely to the considerate friend who brought it so carefully to him. Of course the officer can ever after rely upon him as a friend at a pinch.

I am aware that this appears almost too startling for belief, but it is nevertheless true.

Another source of revenue derived by some officers, is drawn from stool pigeons, and crimi-

nals who are released from arrest by a division with the officer of the proceeds of the crime. A burglar or thief is caught with a large amount of property on his person; if he is taken to prison there is a chance of his being convicted; or, at any rate, he is sure of being obliged to pay heavy sums to lawyers, bail-masters and judges to get clear, and he much prefers giving a large share of his plunder to some accommodating officer, to undergoing the ordeal of a prison transmutation of his person into gold.

The above modes which I have stated, are the most usual and regular for the purpose of supplying the pockets of the department, but the boldest and most ingenious frequently invent means which are as successful as they are novel.

At present one of the richest sources of profit to the police, are the policy offices, which, in common with all illegal businesses, are subject to the extortion, because they are somewhat at the mercy of the police. This system of gambling, is now so generally understood that it is hardly necessary I should describe it here at length. Let it suffice that it is a bastard system of lottery, by which the keepers of petty offices about town issue slips of their own, containing a number or numbers, for the drawing of which they are personally responsible; for instance, the player who knows that there are sixty consecutive numbers put in a wheel, and that ten are drawn out, bets the policy seller one dollar against five that number 4 will be one of those drawn out; the policy man then marks the number on a slip, and if it is among those drawn, he pays it the same as if it were a check upon him. It frequently happens that some knavish darkey, whose number has not come out, will add a figure to it and make it 41 or 42 to suit the drawing, and then demand payment, as if for a prize. The policy man at once detects the fraud, for every slip has a corresponding entry on his books, and refuses to pay it. The negro then applies to a police officer, who for one-half of the sum, enforces payment of the forgery from the dealer, on the threat that he will prefer a complaint against him and have him indicted forthwith. I know of several amounts of \$40, \$60 and in one case as high as \$100, which have been extorted in this way. Officers are sometimes not very scrupulous, and if they should have peculiar need at any time for \$10 or \$20 will have recourse to one of the thousand black thieves they hold in continual service to prefer a complaint which will afford a pretext for such an extortion. It is also a frequent custom with officers to go to different offices of this description, and frighten their proprietors with a false report that a complaint has been preferred against them before the mayor, and to receive a bank note for their favorable intercession with that functionary. Thousands of dollars have been drained from policy offices, into the pockets of the honest members of police in this way. Alarmed and distressed at these continual extortions, several of the policy vendors at length consulted together on the subject and made a permanent arrangement with several officers, agreeing to pay them regular weekly *black mail* for protection, in lieu of their capricious and desultory plunderings.

All these circumstances considered, the wonder fades, that police officers wear gold and jew-

els, drive blood mares, have country seats and spend such glorious and joyful lives: and yet I have not enumerated one half of their resources, or their practices. What I have already said has not been for the gratification of an animosity, for I have not one personal enemy among the whole department of police, but on the contrary own several friends; yet when I had set out upon my present task, I felt it to be a duty which I owed (not to the public, for I owe them nothing,) to my own reputation for sagacity and discrimination, to state the subject as correctly and as fully as my limits would allow. I moreover feel justified in this, as the acts and practices which I have recounted, make their performers deserving of rebuke and punishment, from any hand, and at any time. That no petty malice actuates me is proved by the fact of my mentioning no names. I war but against a system which is capable of such corrupt perversion. There are wide degrees of honesty between the best and worst members of the police department, and many of the former would disdain most of the practices of the others; but "there are none righteous; no, not one."

But let me get back to the business of this chapter, which was the description of the Female prison. This department of the Tombs borders on Leonard street, and was formerly appropriated to the use, or rather to the abuse of debtors. It consists of two rows of cells, and is contrived to hold about thirty or forty persons. The lower range is appropriated to the refuse and off-scourings of the body social, who are daily let out to work in the kitchen; the upper tier to criminals of better caste and those who await trial or sentence for grave offences. A few who were below, graduates of the "Points," stopped scrubbing, or leaned on their brooms to stare at me as I passed. Those on the upper range, from that innate sense of female delicacy which is never utterly extinct, except in those who have been brutalised by intemperance, instinctively concealed themselves and remained hid until I had passed. I looked into Melinda Hoag's cell. Every thing indicated comfort and many things, luxury. There were pictures against the wall, numerous costly satin and linen articles of dress hung about, a leather trunk (one of Aleck's own manufacture, doubtless,) was on the floor, two or three fancy baskets were spread around, and the bed, (her now virtuous bed, if her keeper's are only continent,) was ornamented with a ruffled pillow case, plaited nearly as delicately as my own.—

Along the back part of the cell ran a shelf, which was filled with crockery, and a number of tin and copper utensils which shone ostentatiously bright.

Next door but one to this, similarly but more simply furnished, was the cell of Amelia Norman, a young female who has been made the miserable victim of a villain's arts and a villainous world's persecutions. As the public will probably be well acquainted with her case before this journal meets their eye, it will be but necessary for my purpose to give the mere outlines of her story.

Amelia Norman at the age of sixteen was a motherless girl. Her person was handsome, her character unsullied, and her disposition remarkably sweet and amiable. These qualities attracted

the attention of a professed and systematic libertine, who immediately set himself to work to achieve his desires and her ruin. After a long course of attentions and earnest protestations of honorable sincerity, he succeeded in accomplishing his object, and a few months after its consummation her situation revealed the secret which cast her from all others upon him for protection. Unwillingly he took her under his care and shortly after recommended her to Madame Restell, who helped her to an abortion. For several succeeding years, Amelia and her seducer resided in different parts of the city as man and wife, changing their names, at the latter's desire, at every change of residence. During this period of time, she produced him two or three children, one of whom now live and looks to her alone for support. Of late, the charms which had inflamed him to destroy her, had lost their sway in some counter passion, and he coldly cast her off, whose whole life had been sacrificed to his brutal animal enjoyment. With tears in her eyes, and her child in her arms, she besought him not to leave her destitute upon the world. He turned coldly upon his heel and laughed her application to scorn. Months flew by—months in which her laborious hours knew no rest from drudgery to obtain a scanty livelihood; but sinking at length under the unusual task, she applied once more to him for assistance. She approached him humbly and with a petition that would have softened the heart of a Marat. He repulsed her with disdain. She besought him for bare twelve shilling per week, which added to her labor might eke her out a livelihood. His answer was a contemptuous repulse and a recommendation for her to go and "get a living like other prostitutes." The suffering meekness which, till this hour had bowed submissively beneath every cruel stroke, blazed into madness, and drawing a weapon from her bosom, she sought with her little strength to inflict the great revenge which Omniscience had overlooked. She wounded him slightly but not dangerously, and for that assault she now abides a trial which must, under the conclusive proof of the commission of the act, result in her consignment to the State Prison. The law in the case is imperative and must have its course, but if the disposal of the matter rested only in the hands of Justice, the penalty would be reversed, the heartless seducer sent to prison and she set free.

WEDNESDAY, December 6th.

*Domestic investigation—Mulligan and his wife—Visit of editors—Interesting scene.*

I found the heaters and consequently the cells unusually cold this morning, and after breakfast went down stairs to inquire into the secret of it if possible. From one subterranean department I was referred to another until I finally arrived at the furnaces. Then the mystery was soon solved by a discovery of Guinea Pete, the furnace tender and victim of misplaced confidence in woman, of whom I have spoken before, deeply immersed in the intricacies of a game of old sledge with a bright

mulatto from the kitchen department. My visit had the effect intended and I returned to my apartment.

When I arrived on the bridge of my corridor, I saw a well dressed woman who was standing in the doorway of the cell of Mulligan, a burglar, give a sudden plunge inside, which was immediately followed by a shriek. With two or three of the keepers I at once ran to learn the cause, and found that she was his wife, and that the fellow had made this demonstration on her, on suspicion of her having betrayed him. Both doors were at once locked upon the ruffian, and he will be deprived of any further privileges during his incarceration.

A couple of editors have just come in to see me. After a chat, a smoke and a drink, they expressed a desire to see Babe the pirate. I acceded to their wish and took them down to see him. Ragee was in his cell, engaged in writing a letter for him in French. As these gentlemen were strangers to the tricks and customs of the prison, Babe gave them a description of the manner in which the prisoners conversed at night, and speaking of his own tier, remarked that the Dutchman Leitga was the object of the attack of all. This was carried to a great length in consequence of his extreme irascibility when annoyed. Blaney, was his principal and most unrelenting tormenter, and none of the rest failed to keep the gallows continually before his eyes. From Babe's, we went to Saunders' cell. This was the first time I had attempted to approach the latter, and now, had not one of my visitors expressed a strong desire to see him, I would have refused, in consequence of my disgust of a States evidence. He is a pert little fellow, with small cunning eyes and an air of self conceit, which reminds one of the vanity of a smart poodle. He complains of being kept here so long. In about two weeks he expects to be sent to the House of Refuge on a nominal sentence, until he is twenty-one years of age. He will remain there a few days as a matter of form, and then expects to be bound out by indenture to Austen, Wilmerding & Co., or some body else equally scrupulous as to the character of their clerks, and then leave them when he pleases. I left his cell after the stay of a minute and went up stairs to write a letter. On my way, I met Mrs. Ragee with a basket on her arm, and her little French poodle trotting behind her with as much importance and complacency as if he were the monarch of all he surveyed, and had the title deeds of the Tombs in his belly. Madame skipped along gaily to the cell and unlatching the door looked in. Her husband was not there. Where could he be? She looked up and down the prison, there was but one keeper in the building and he was apparently dozing by the stove. No one was to be seen but me observing her from the second bridge. A mixture of strange feelings appeared to agitate her. Oh God, perhaps her husband had been fortunate enough to escape! Dared she hope so much! Another look—may be he was teasing her by hiding under the bed? No, no, he surely was not there. An expression of ecstatic delight spread over her countenance, followed by a sudden shade, and then the tears started in her eyes. She appeared per-

fectly bewildered, while the poodle sat upon his haunches with one leg cocked on his ear, calmly arranging his toilet as though nothing had happened. At length she started from her trance and looked over the balustrade.

"Monsieur McFarlan!"

"M-a-a-m?"

"Ah, Monsieur McFarlan, vare is my husban?"

"What! Aint he in the cell?"

"No sare."

"He must be there!" said the keeper affecting surprise, and then addressing himself to me.

"Wilkes, have you seen anything of Ragee?"

"Yes, I saw him standing near the door about ten minutes ago."

"By gracious!" cried McFarlan, bristling up with pretended alarm, "may be he's escaped?"

"Oh no sare! you play trick vid me!" answered she with a faint laugh, while her voice trembled with agitation. "Oh you play a trick vid me?" and her eyes filled again with tears.

I now thought the joke had been carried far enough, and told her he was in Babe's cell.

"Ah, you rascal!" said she, shaking her finger threateningly at the keeper, after drying her eyes, "You decief me!" and then she broke out into a merry laugh and ran around to the pirate's door, followed by the gallus poodle with that old fashioned trot. She thumped the heavy door with her little fist and raising on her tip-toes to look into the pigeon hole called to her husband and playfully chided him for his truant conduct. Babe immediately let him out and the whole three set up a hearty laugh at the circumstance, and the husband and wife ran back together to their cell; the poodle following close behind and jumping in lazily after them. I have no doubt they kissed each other most condignly after the door closed.

Such are some of the scenes in a prison.

THURSDY, Dec. 7th.

#### *Terhune and his mode of practice.*

The first sound that struck my ears this morning was the noise of sleigh bells dashing merrily along the adjoining street. I listened eagerly for a moment with a thousand recollections rushing through my mind, but when the music died away, I turned sulkily upon my pillow with the dogged conclusion that sleigh riding is poor amusement after all, and went to sleep again. I had three breakfasts brought to me this morning. The source of the two extras Heaven only can account for. When they were successively brought to my door by neatly attired darkeys, I was forcibly reminded of the tradition of Elijah and the ravens. I gave one of the meals to an individual transferred here from the watch house last night, for licking a watchman, because I thought him a person who deserved encouragement. We came very near having Terhune, the Blackstone of the Tombs, brought in here this morning. God forbid that he should. He would corrupt every prisoner in the building the first hour he used the pipes. There was a charge preferred against him for assault and battery, but with his usual ingenuity and eloquence, he put his case in such a

Night before the magistrates that he was discharged with a vote of thanks, and two of them accompanied him over to Johnny Carland's to take a drink. His justification was, that the fellow who had complained against him had made him drunk, stole two and six pence from his pocket, kicked him under the chin, and given a barber eighteen pence to cut his throat. Terhune is a man of no less consequence than notoriety about these diggings. He is consulted by the magistrates on all important points of law, and the inferior shysters look upon him with a reverence approaching veneration. He is the most effectual counsel in prison cases, and what he cannot accomplish by law, he achieves by management. Conscious of his just importance he sometimes assumes an authority equal to the magistrates. A few days ago he staggered into the police office with his thumbs inserted in the arm holes of his vest, and his hat set on the back of his head in the most imposing manner. The bench was deserted even by the clerks, and no soul was in the office but a solitary nigger of the female gender, who sat within the railing.

"Hello, my old gal," said the counsellor, with graceful condescension, "what do you want here?"

"I want a warrant agin me husbin. He's bean a beatin' me."

"Have you got any stuff?"

"Six shillin'."

"Jist the reeqvired sum to a dot. I'll give you a warrant forthwith. Come along with me, over the way."

The wench followed him to his office, and Blackstone filled up a blank subpœna, laid it one side, and then wrote on a little scrap which he handed to the applicant for justice. "That," said he, "is a bond for you to appear and answer; and this," pompously endorsing the subpœna, "is the warrant. Now fork over the collateral!"

"The what, sir?" said the wench, who imagined the expression to be Latin.

"The stuff!" repeated the counsellor, authoritatively, extending his palm and working his fingers coaxingly, in a manner not to be mistaken.

In the next moment the six shillings tinkled in his palm, and the counsellor, who is the most careful man in the world in matters of business, strained his liquor-laden eyes upon the coin with the intention of counting it. The effort was vain, and he was obliged, after three several trials, to abandon it; throwing himself back in the arm chair with a long hiccup and a satisfactory exclamation of "O. K."

The wench paused irresolutely, as if she had something else to say.

"Silence!" said Blackstone, rushing back his hair and flourishing his hand with the most imposing dignity, "Silence! the audience is over!"

"I want you to have the warrant served at once, your honor," timidly ventured the negress.

"Forthwith! forthwith!" exclaimed his honor waspishly. "Officers, clear the court!"

The negress left, and the Jurist of Centre street sank back in his chair, hopelessly gone.

On the following day, the wench, not finding Blackstone in his office, went over into the Police Court to inquire if the warrant had been served.

Of course no one knew anything about it, and the clerks told her no such warrant had been issued.

"Oh yes there had; she was no fool; the magistrate had given it to her himself."

"What magistrate?"

"The judge that kept his office over the way."

Terhune was sent for.

"All right! all right!" said the counsellor, on hearing the circumstances; "all right! The woman employed me as counsel, and gave me a fee of six shillings. Have you got the document I gave you yesterday?" said he, turning to the woman with becoming gravity.

"Yes, your worship," replied the wench, taking a greasy slip from her bosom, and handing it to him.

"There's the pape!" said Blackstone, handing it triumphantly around.

"Rebecca Tompkins vs. Robert Tompkins — Rec'd six shillings from Rebecca Tompkins as counsel fee in the above case."

"All right! all right!"

"All right! all right!" ejaculated the clerks and magistrates with a general laugh; and several admiring disciples of the great jurist, followed him in his devious passage to Johnny's, over the way, to take a snifter.

"Time!" is a great exclamation of the counsellor's, when he wishes to arrest a proceeding of any kind that is transpiring before him. He had a case in the Court of Sessions once, in which the District Attorney attempted to put improper questions to a witness for the prosecution.

"Well, you understood so and so?" said the District Attorney, attempting to lead the witness.

"Time! time! on that are!" exclaimed the counsellor, decisively.

The court burst into a roar, and the question was abandoned.

On another occasion Terhune was applied to by a notorious character, who had been refused bail by the police magistrate, to be released on a habeas corpus. The case was a hopeless one, but the fee was not. Terhune selected Judge Jones of the Superior Court, the most infirm judge in the county, but a most consummate lawyer. He took all the papers in his office and carried them down in a huge bundle to the judge's chambers in the City Hall.

"Judge, I wish to obtain a writ of habeas corpus to have the body of Hector Perkins, charged with the offence of 'burning,' discharged from custody on bail. There's the papers, judge"—pointing to the immense pile of documents—"there's the papers. You'll find every thing O. K."

"Do all these papers relate to the case in hand?"

"Yes, your honor; they don't do any thing else, every one of 'em! There's the papers, and if you look over 'em you'll find every thing O. K."

"Well, Mr. Terhune, as the proceedings are so voluminous, I shall be obliged to have time to look over them and shall not be able to decide upon the matter until to-morrow."

"Not till to-morrow!" said Blackstone with affected surprise. "Here, Tommy, take these

papers back to the office. The application is refused. We must try another judge."

Terhune has a number of disciples, but none of them equal the excellence of their great master. There is one fellow, however, who haunts the place who approaches him pretty nearly. He strikes every cell in the establishment regularly once a day, and sometimes is content with the fee of a shilling. On Monday last, he was trying to sell a second-hand coat on the front steps of the Tombs, which he had obtained from one of his clients, for his services as counsel. Marryatt has said that the members of the bar are the true aristocracy of this country. He certainly did not derive that conviction from an experience of Centre street. Perhaps, however, he did not mean to include those legal chevaliers who earn the title of members of the *bar* in a double sense, like Terhune, *et id genus omne.*

Babe has been out this morning for trial. He tells me that no proceedings were had in his matter. He merely went to the U. S. Marshal's office—remained there for an hour—received the information that the case was postponed, and returned. While sitting in the office aforesaid, he said a fellow wearing the most unmannerly pair of whiskers (I use his very words) he ever saw—one half curling outward, and the other straggling raggedly toward the back of his neck—approached him with the utmost assurance, and thus addressed him:

"How do you, sir! how do you do, sir! I suppose you've heard of me."

"No sir, I never did."

"My name is Vapor Gas, Esquire. I'm going to act as your counsel!"

"Indeed! I've never asked you, sir."

"Well, I'm going to act as counsel for you, and you must make a confession to me of your whole case."

"Oh yes, you'll get that, certain," replied Babe dryly.

Noticing that I smiled, he asked me if I knew this Vapor Gas, Esquire.

"Yes, very well."

"Is he a good lawyer?"

"He is a most excellent pedestrian."

"Well, he sha'n't walk into me," said Babe determinately.

FRIDAY MORNING, December 8th.

*Legal relaxation—Mysterious stranger.*

THE first thing I saw this morning on turning out for my usual walk, was Terhune coming in below stiffly but unsteadily on his heels, like a man who had received a blow on the head with a billet of wood, and was wavering between going to the wall or merely quivering under it.

"Hello, Couns," cried one of the deputies, "I see you've got that old jerk on you a-ready this mornin'. You rather rush a good thing, ol' fellow."

"Rush hell! It's nothin' but a twinge of the rheumatiz which I got by keelin' down in the middle aisle of the Duane street church last night."

"Hey, Couns," said another keeper from a higher tier, "how is it about that assault and battery? They nearly brought you in here, did they?"

"Brought d-n-t-n! W-h-a-t! (ironically.) When they fetch me, you'll find Tom-and-Jerry's growin' on trees! W-h-a-t! With a little Hab. Corp. always in my pocket for such emergencies. 'Deliver up the body of Cornelius Terhune.' W-h-a-t? (a long whistle.) Ay, yi! Hey boy! will you be still?"

After thus elegantly confuting the assertion of the last speaker, the counsellor suddenly dropped his head back in the socket of his neck, relaxed his arms in a dangling position, and being thus all fixed, shot his heels down on the stone pavement in a breakdown to the tune of

"Oh, I dunno who can beat my time!"

which knocked Master Diamond or Jumbo Jum into lint. "Ladies change!" said the counsellor, softening the breakdown into a fashionable shuffle. "One gentleman forward twice!" and thus all by himself he went through the entire cotillion, to the admiration of the whole audience. When he had got through with his performance, the counsellor gravely took his cloak from the chair where he had laid it, and wrapping it around him in the style of a toga, climbed unsteadily up the stairs with a very faulty affectation of Roman dignity.

I had a new visitor this afternoon in the shape of a large grey and white cat, who leisurely marched into my cell and unceremoniously took possession of the very centre of my pillow. I at first attempted to remonstrate with him, but being unable to elicit any answer beyond a pusey-itical interjection, I quietly submitted to the intrusion until I should find him more acceptable to reason. I have several objections to tolerating him as an acquaintance. I am opposed to Puseyism in all its phases, both as maintained by Dr. Wainwright, and as it prevails among the extensive community of cats. Immorality among cats exists to an alarming degree, and as I have been charged with immorality myself, it would be flying in the face of public opinion to countenance any acquaintance of unsettled principles or doubtful virtue. I will investigate the character of my visitor more fully shortly, but from the slight observation I have already been able to bestow upon him, I am inclined to believe from his remarkable size and a certain tameness of demeanor, that he is beyond moral lapse or peccadillo.

SATURDAY DECEMBER 9th.

*State of the tier—Despondency of Williams—Dog Jack—The pocket book droppers.*

A press of business of various descriptions kept me employed the greatest part of this day, and deprived me of course of the opportunity of my usual investigations. After dinner, Williams, who by the favor of the Good Samaritan has lately assumed the office of a deputy keeper entered my cell in a state of great despondency, and

with a countenance as melancholy as a stopped clock. Upon inquiring the reason, he informed me that the tier was in a most deplorable state; that there was not a man in it who had the first cop; and that it was now two days since he had struck any one for a cent. I condoled with him upon his bad luck and the poverty of the row, and asked him to account for it. "Ah," said he, "what else could you expect from a set of fellows who hain't a soul above stealin' a smoothin' iron. Most of 'em are Irishmen in for beatin' their wives; some for disturbin' watchmen from sleepin' on stoops; others for swearin' in the street, and others for walkin' on the wrong side of the way. They ain't none of 'em got the first cent, and most of 'em have committed these offences only because they are made desperate by want of the stuff. The tier is goin' to destruction; when I first came in we used to have a watch stuffer now and then, but they git out so soon that the sun only shines for von day, and you've got to make your hay and catch 'em on the jump. Lately we havn't even had a dropper, for the other keepers takes the advantage of Joe, and if a full feathered pigeon gets up here by accident, they transfer him below as soon as they find it out."

"It is but too true Williams," said I, and if things continue in this way you will never be able to collect your fine."

"Collect my fine! If I took the chances to collect my fine, Potter's field would have to settle the account. The only livin' sight I got, is to get a game of bluff or old sledge out of some of the birds below. I fetch'd a darkey this morning out of three shillins, all in pennies, and if you'd a seen him cut capers when I straightened him on 'an ace full,' you'd a died. 'Ah de Lord!' said he 'my wind is gone!' and he flung himself into the meat trough and flapped himself up and down like a fish. I gave him back a shillin, and half an hour afterwards, he had laid Guinea Pete out for all his little stake. I must have another round at him agin to-night."

"Where do you play?"

"Under the prison by the furnaces."

"I must come down and look at you when I have leisure."

"Oh sometimes, I have a little game in the cells; I laid 122 out for six and six pence on Wednesday. I must try Aleck Hoag next. If I only beat him, I can win a cord."

"But is it not taking advantage of the good nature of the keepers to thus infringe the rules?"

"Oh no; nobody knows of it; I always close the doors after me, and its no more harm to play than to wish to play."

"Well, you spend your time very pleasantly."

"In some respects I do; but the greatest objection I have to this place, is that infernal dog down stairs. They let him out at seven o'clock, and he goes his rounds as regular as a soger, and if he drops on a straggler—Ah—go way! he's gone! I'd like to pison that dog."

"That is impossible I have heard. Attempt after attempt of that kind has been made. Poisined meat has been thrown on the corridor, but he refuses to eat anything except from the hands of his regular feeder, the cook."

"Oh he's a cunnin' one. He caught two burglars

once, who had got out the windows of their cells and had their blankets fixed into ropes. If it wasn't for him, the keepers who watch wouldn't dare to sleep; but while he's about, they can sleep with safety."

"I do not participate with you in your feelings towards Jack; I admire him for his fidelity."

"And I'm down on him for the same quality. I like a good dog, but I don't like one of your foxy, cunnin' fellers. I was down by the stove last night and Bob Barrows who had come in to see me, was settin' on the bed when Jack was let out. He goes up to Bob and after smellin' him for a minute as quiet as it he vas askin' the time o'night, makes one spring and bites him through and through the lip. It was as much as the Good Samaritan and Joe Hatfield could do to force him off, and they had to call out the cook to help them, at that. I walked past him afterwards and I believe he would have signed a bond not to eat in three days for the privilege of one demonstration on me. He bit the muscle out of a woman's arm once, who was sent up to the hospital at Bellevue, and nothing was ever heard of her afterwards; which means, that she died. The feller that cut his throat in 26 when he was sentenced to State's prison, had his cell door left partly open so he could warm himself by the stove, and he came out one night after being warned, and the dog seized him by the leg and held him so fast that they had to force his jaws apart with the iron joker."

"Dog Jack is one of the most important officers of this establishment."

"Ah," said Williams, suddenly looking out of the door, "there's a new customer goin' in 147, I must go sound him."

I renewed the writing which this interview had interrupted until 7 o'clock, when Williams returned.

"Well I tried that feller, said he as he entered. He's got the stuff but he's as close as a vice."

"What is he in for?"

"Assault and battery on a lame tailor. He wears a white overcoat and knows the Irish giant."

"Two circumstances which entitle him to no little consideration with you, I suppose?"

"They don't do anything else. I'm going to get counsel for him in the mornin', and of course I'll declare myself in."

"Who will you select?"

"The first that comes that will consider me in."

At the close of this remark a hail was heard through the pipe.

Williams uncovered it, and a thick voice like a negro's was heard tolling the first stanza of "Dandy Jim," the present reigning Ethiopian melody.

"Hello! cried Williams, contemptuously, "Who's a singin' that sucker song?"

"It's me!" said the voice.

"Where are you?"

"Oh up the street here a little ways."

"When did you come in?"

"This afternoon. There's two of us."

"What did you come in for?"

"For droppin' a pocket book."

"Have you got any stuff?"

"Got any stuff eh! May be we ain't! (Triumphant) Ah, w-h-a-t!"

"Luck at last!" said Williams, rubbing his hands in ecstasy, and looking towards me for congratulation. Then turning to the pipe again, he renewed his interrogatories.

"Well, if you're got the stuff you can git out. Is your capper with you?"

"Yes he's layin down on the bed."

"Is he a good capper?"

"First rate."

"He must be a pretty good capper to cap you in here."

"Never mind ol' feller, he'll cap well enough to get me out."

"What name did you come in under?"

"Wilcox."

"Alias!"

"Is it not! Ay yi!"

"Are you white?"

"Ain't nothin else."

"Well I could'n tell by your talk. Do you belong to New York?"

"No, we come from Baltimore. We've only been here three days."

"How did you git catch'd?"

"Why we dropped a pocket book on a countryman, and the constable catch'd us."

"Oh they've got you plum! (A general laugh from the tier.)"

"Well, I dunno, I guess the stuff will fetch us out." "What are *you* in for?"

"For burglary and arson on six indictments," answered Williams.

"Well, I guess they've got you pretty plum too ol' dad!"

"I dunno whether they have or not. My counsellor is *in* with Court."

"What kind of a chance is that?"

"A, number one!"

A long and general laugh from every pipe.

After the last echo of this had died away the communicative dropper resumed.

"We picked the countryman up in Baltimore, and followed him on here."

"How did you know he had any money?"

"Why I asked him to change \$10, and that brought out the size of his roll; and we saw him pay for his ticket too. We got here on Wednesday and laid for him ever since."

"Where did you strike him?"

"In Courtlandt-street. My capper was right behind the countryman and I was a little further back. I sung out to the countryman so as to make him turn his head, and then my capper pretended to pick up a big pocket book just behind him, and was goin to hurry off with it. 'Hullo! young man,' sez I, 'come back here, that's this gentleman's pocket book, I jest seed him drop it.'"

"Well, did the countryman bite?"

"W-h-a-t! Bite eh! He bit like a shark! Yes says he, 'young man that's mine!'"

"I dont know vether it is or not' sez my capper."

"It aint any one else's," sez I, "for I seed the gentleman drop it out of his pocket."

"Well, I ought to have something for pickin it up," sez my capper, kind a disappointed and open-

it at the same time, "for there's several hun-

dred dollars in it, and I've got a right to take it to the police office and receive a reward for it."

"Well, I'll pay you handsomely, for findin it young man," sez the countryman; and after some talk, he gave him \$40 from his own pocket book and a silver watch. Jist as he was a taken off his watch, the constable stepped up and asked us what was the matter.

"This gentleman has lost his pocket book, sir," says I.

"He has, has he," says he, "vell come along with me, I'll pocket book you," and he fetch'd the hull three of us up to the police.

"Ha! ha! ha! they have got you nice," said Williams, with a laugh.

"Ha! ha! ha!" laughed all the pipers.

"Who's that fat man in the office?" resumed the dropper.

"The Magistrate."

"Well, the countryman, assoon as he came in, demanded his pocket-book, and then the fat man opened it and laughed."

"What, did the countryman stick to its bein his'n?"

"Like a rat-catcher's dog." He swore to it. Ha! ha! ha!

"Ha! ha! ha!" in chorus again.

"Well, did he loose it?" said Williams, affecting simplicity.

"Loose damnation!" responded the dropper, with an ironical laugh. They've got him locked up down stairs as a witness agin us.

"Well, he'sswore its his'n, and you aint fool enough to say it aint;" so you've got'em on that said Williams.

"Ay, yi! We have horse. But they've got my portmanteau in the office," continued the dropper, changing his voice to a serious tone.

"What have you got in it?"

"About \$500 in queer, and three or four watches."

"Stuff watches."

"Yes, but first rate ones, I would'n lose 'em for a good deal; they're on an improved plan; every time you catch a flat they strike three times. I would'n have 'em open that portmanteau for a good deal. But they darsent do it, for they aint got the key, and if they open it I'll prosecute 'em."

"Oh, yes you will! Ha! ha! ha!"

"Ha! ha! ha!" in another general chorus.

"Say, is there much stuffin goin on here?" resumed the undismayed dropper.

"Yes, lots of it, but you're very apt to get catch'd, and that takes off the profits. Was you ever in prison before?"

"Once, in Baltimore, for two days; but there you can get out for little or nothia, and when we're taken, we generally give the officer half we made and he lets us slip; but sometimes we have to buy off the countryman and that takes all, and more, too, now and then."

"That's the way they do here."

"Oh, we'll git out. \$300 will fetch us out."

"Yes indeed, indeedee!"

"Can't I do anything for you?" said Williams, now deeply interested.

"I'll give you \$10 if you'll send word to Bill Fisk for me in the mornin."

## THE MYSTERIES OF THE TOMBS.

" Well, I'll do it."

" And I'll give you \$15 if you get my valise."

" Oh, the fat man will hang to that. Don't you want a counsellor?"

No, my partner is lawyer enough for that."

" Tell him to come to the pipe. I'll soon tell whether he's a lawyer or not, by his talk."

" He wont git up. What's your name?"

" Williams"

" Well, Williams, does the boys play the pigeon here?"

" Not much."

" Do they prick the loop?"

" No, that's out of date in this part of the country."

" Do they play the thimbles any?"

" Yes, on the race courses, and down on the end of the piers. They get a countryman to go down to look at a dead man on the end of the dock, and when they git him there they git behind a pile of wood and open for him."

" Ay, yi, that's one of my games. If its under one I lose, eh! ha! ha! ha! I'd like to play em once for the fat man."

" Oh, he'll play you a better game than that? Ha! ha! ha!"

*Chorus.—Ha! ha! ha!*

" Have they got any of these 'ere 25 cent pieces here, that's washed with gold?"

" No."

" Well, I've got a lot of 'em with me. I'll show you some in the mornin'; and I'll show you something else too that'll make your eyes dazzle."

Here a remonstrance was heard from the caper on the indiscretion of such a disclosure; and the dropper replied in a low tone that he would put them in his boot. A temporary pause ensued during which a slight jingling was heard, and the voice resumed—

" Say, Williams, dont they bring round supper here at night?"

Ha! ha! ha! (from all quarters.)

" I thought this place was a hotel when I first came in; they took down the names on the books like they do in a hotel."

" Yes, and they ring the bell in the morning for breakfast like a hotel."

" What do they give you?"

" Dry bread and coffee."

" Any poultry."

" Oh yes, plenty of that."

" I'd like to have a good woodcock and a bottle of champaigne."

" Dont you want a light?"

" Yes."

" What will you give for a spermaceti candle?"

" Half a dollar."

" If it wasnt for a dog which runs about here, I'd pass you one in your door, but I darsent go out;" and Williams set his teeth and muttered the bitterness of his heart against poor Jack.

" Is Aleck Hoag here?"

" Yes."

" Well, can't I get a game of bluff or poker out of him in the mornin'?"

" I dunno, but if you'll give me "Five," I'll let you in on him."

" What kind of a chap is he?"

" Oh, he's a panel thief; he's the fel'er that

eat up \$70 dollars once, so as the property shouldnt be found on him. You can *fetch* (beat) him.

" I've got a game he'll fall agin, sure."

" Well good night old cockee, I'll tend to you in the mornin'"

" Good night, ol' dad."

After Williams had closed the pipe he remained in profound reflection for half an hour, and then slowly got up and went off to bed without saying a word.

SUNDAY, December 10th.

*Promiscuous Imprisonment.*

WILLIAMS entered my cell at a very early hour this morning, with the most mournful countenance I ever beheld.

" What's the matter Williams," said I.

" Well, its jist my luck," answered he moodily:

" What's your luck?"

" I never had any thing to *turn out* yet!" continued he, still in desperate abstraction.

" Why, what in heaven's name is the matter?"

" The stuffers are gone!" said he, giving me a long, mournful stare, to impress upon me the serious extent of the calamity, and following it up with a sigh which seemed to tug at his lowest heart-strings.

After Williams had gone out, I dressed myself and went down to the stove. While pacing up and down the hall, a child's voice called to me from the Five-day cell; a chubby cheek was placed up against the pigeon hole, and a large blue eye looked through it. A slight tinge of the usually lavish color still warmed the former, and a big tear quivered for a moment in the latter and then tumbled down his face. He was neatly dressed in a jacket and trowsers of mixed cloth; he wore on his head a little blue cap, and appeared to be about twelve or thirteen years of age.

" How long are they going to keep me in this dreadful place, sir?" said he, when I approached the door.

" I can't tell my boy. When did you come in?"

" Last night, sir. I want to be let out right away sir, for my father and mother will be so frightened about me."

" What were you brought in for?"

" Why, sir," said the little fellow, bursting into tears, " a lot of us were playin' and wrestlin' in Greenwich street, and we knocked down a pile of merino at a shop door, and two pieces of it rolled in the gutter and got all over mud, and the man was so mad, that he seized hold of me—for I didn't attempt to run away—and brought me up to the police and said I wanted to steal it. But I didn't, sir. I never stole any thing in my life; you may ask any body if I ever did, sir;" and another flood of tears, that richest privilege of grief, gushed from his eyes.

" Well, well, don't cry any more my boy."

" I-I-I can't help it, s-i-r!"

" I will see if I can do anything for you when the keepers come in."

" I want to get out right away, sir; I ought to have been in Sunday school an hour ago."

"Why, it is not eight o'clock yet."  
 "Not eight o'clock!" said he, distending his eyes in surprise; "why I thought it was ten. I haven't slept a wink all night, but have been sittin' in the corner there watchin' these dreadful men since daylight. Oh, sir, they are so dirty, and they smell so, they make me sick. And they're all full of fleas too; and they swear so horrible besides, and say such awful things! One of 'em made fun of me, and wanted to make me swear too."

My heart sickened at this spectacle of childish innocence fighting its first little battle with horrid depravity and crime, and I turned from him with a sigh and a promise to change his cell if possible.

The keeper who had charge of the tier was only on for a short time this morning as a temporary substitute for another, and he did not wish to take the responsibility of making any alteration in the arrangements. An hour passed round and I looked in the cell door again. The little fellow sat crouched in the farthest corner of the apartment, watching the movements of his debased companions. And, indeed, they presented a spectacle which might have claimed attention and a smile from the dying. It appeared that they had been debating on the subject of military tactics and the art of war, and one more ardent than the rest, had proposed a practical exemplification of his theory by forming his companions into a company, and going through the evolutions on the spot.

There were fifteen prisoners in all, which made two respectable platoons, and the cell being a large one, they were able to wheel in double or quarter column, or to extend their whole line. Such a regiment of roosters God never made to shame the daylight! Hatless, shoeless, shirtless, tottering, blear-eyed, bloody-faced ruffians, composed the motley troupe; and their merriment, instead of gilding their faces with a humanizing smile, only lent them an expression of diabolical and mischievous glee.

"Mark time!—hay foot, straw foot! hay foot, straw foot! F-o-r-w-a-r-d march!" shouted the captain—a fellow whose hair was studying the theory of storms from out the crown of a brimless hat, and whose dial was ornamented with a very ripe pair of black eyes—"F-o-r-w-a-r-d march!"

As soon as this order was given, every individual private joined the musician to his character of soldier, and at it they went, as if their release depended upon the manner in which they performed their fantasia and evolutions.

*Er rig a jiggee jig!  
Er rig a jiggee jig!  
Er rig jig—jiggee jig, jig jig.*

"Company! R-i-g-h-t wheel!—march!"

*De boong, boong, boong!  
De boong, boong, boong!  
Er roong, boong, didee, idee, boong, boong, boong!*

"Company! Left wheel!—march!"  
 In attempting to perform this difficult manœuvre, a clumsy coal heaver, in a Souter Johnny

cap, on the extreme end, caught his foot in the heaters and pitched sprawling on the floor.

The little boy burst out into a peal of involuntary laughter at the ludicrous mishap, and clapped his hands in childish glee.

The ruffian arose, hurt by the fall and stung by the ridicule of his comrades, and distinguishing the shrill pipe of the boy from the voices of the rest, rushed toward him and smote him roughly on the cheek.

"There, take that, you d—d brat!" cried he, as he dealt him a blow, "and learn not to laugh at your betters!"

A bare-footed Irishman, more in obedience to a natural impulse for quarrel than humanity, instantly sprang forward as the boy's champion, and an up and down fight ensued, which resulted in the defeat of the brutal aggressor.

At this moment Terhune, the Centre street Blackstone, entered the prison.

"Hey, boys!" shouted the learned barrister, "anything out to-day?"

"Yes," said a voice from above, "there's a tailor up here in 147, for assault and battery."

"Has he got the stuff?"

"A perfect cord."

"Will he bite?"

"I guess so; he wants a counsellor."

"Then I'm his man. Williams lead me to the individual!" and the counsellor and Williams disappeared up stairs.

After a lapse of about ten minutes, the counsellor and Williams reappeared, the former displaying a five dollar bill triumphantly between the thumb and forefinger of his right hand.

"Well, Couns., I see you draw'd the badger!" said one of the keepers, who was loitering by the stove.

"Yes, and I'd like to see the thing he could n't draw!" put in another, in a tone of decisive admiration.

"I generally fetch my men!" said the counsellor, with a look of gratified pride at the compliments which were passed upon his dexterity, at the same time folding the bill and putting it in his vest pocket.

"What are you goin' to do for the duck you just struck?" enquired the first speaker.

"I'm goin' to buy bail and try his case at the Sessions—in a horn," said the counsellor, with a sarcastic smile. "I don't know whether I shall feel called upon to remember a chap that only gives 'five' for such services," continued the distinguished jurist, "but I do know, that my share of this little fellow (significantly touching his vest pocket) will keep me in 'toddy' for the day."

"Well, aint I in with you Couns.? You know I put you down on the game?"

"In hell! There's three in already. Come boys, let's go over to Johnny's and git a drink!" and again the cloak with an imposing sweep over the left shoulder, drew its barrier of dignity around the counsellor, to protect him from further impudent application.

"Hold on a moment, Terhune," said I, "I want to make a demand on your philanthropy. Here's a case in 25 which I want you to attend to for nothing."

"Certainly, my lord; always ready to relieve the oppressed. Humanity is the first principle of my nature and the chief part of my system."

"My knowledge of that fact is the reason I have selected you!"

I then told him the boy's case and gave him his name, and he promised to have him out before night.

At three o'clock, I looked in at the five day cell again. Its degraded inmates were gathered in a circle on the floor, and four or five of them who had a little change, were engaged in casting dice for a pool made up by the contribution of a penny from each player—the highest throw to take the whole. The boy had forced himself in among the rest, and was resting on his hands and knees watching with the intensest interest the progress of the game. His horror of his depraved associates had worn off by eighteen hours' companionship; and the patronage of the chivalrous Irishman who sat next to him, had encouraged him to a degree of familiarity with them. Now and then, as the luck would perform a caprice which appeared singular to him, he would put in his exclamation with the rest. His friend, the Irishman, had been unfortunate, and at length put up his last copper. Thirteen had been cast. The chances were against him. He took the dice with trembling and eager hands, rattled them for a moment in his fist, and then sent them forth upon the stone floor.

"Eleven!" said the boy.

"Damnation!" cried the loser, springing to his feet and commencing to pace the cell.

"Come, come, out of here younster!" said the coal heaver, taking advantage of the absence of the boy's protector to drive his elbow sharply into his side. "You've got no business here!"

The boy gathered himself up with an expression of pain, shifted his place to another part of the circle, and remained standing up, looking over the heads of the players.

Presently the Irishman halted, and gazed vacantly at the operations of the game. Of a sudden, an idea seemed to strike him, and he touched the boy on the shoulder and motioned him aside.

"Have you got any money, Tommy?"

"I've got eighteen pence; but it aint mine.—Mrs. Howard, that lives up stairs in our house, gave it to me to go of an errand for her, and"—

"Well, just let me have a shillin' of it, to thry me luck wonst more, and I'll give ye half o' me winnins."

"But it aint mine!" replied the boy decisively, expressing surprise that such a temptation should be offered him. "I tell you it aint mine! and I've been thinking ever since I've been here that Mrs. Howard will suppose I ran away because I had it."

"Och, nonsense! Let me have the shillin' and I'll give ye half o' me winnins, I tell ye!"

"But you may lose!" returned the boy, wavering in his determination as his hand slowly approached his pocket.

"Divil a bit! I'm sure to win. Bad luck will change before the divil's dead, and I should have been winner now if my money had held out.—Come, come!" said he, extending his hand and

working his fingers impatiently, "tip me the change, and ye'll see how I'll bate 'em."

The boy yielded to the temptation and reluctantly gave the money.

"Here!" cried the Irishman, "make room, make room! I'm comin' in this time!" And he squatted down, and the boy, pale and trembling with overwhelming excitement, forced himself by his side. "Five in?" shouted the first thrower, flirting the dice from his hand.

"Eight!" said the boy; the first to detect the result.

The next threw seven; the next, nine; the fourth, thirteen, again. The Irishman took the dice, or the *dibs*, as they were familiarly called by that select circle. The boy, in his eagerness, unconsciously got upon his hands and knees, and his eyes glared upon every movement with a fiercer interest than had ever blazed in them before. The throw was twelve. This time he did not tell the result, but turned angrily towards the Irishman and demanded his money back.

The Irishman laughed at him with scorn.

"Give me back the money, Paddy! There's only one penny gone and I can sell my knife to make up that. Give me back the money; it belongs to a poor sick woman, and it's to buy firewood and a loaf of bread."

"Away with ye, ye brat!" cried Paddy, seizing him by the collar and whistling him over on his back. The excitement had maddened him and the brute triumphed over the man. The crowd burst out into a scornful laugh at the circumstance.

The little fellow, frightened at the now vivid picture of his crime, got up and wrung his hands in an agony of remorse; but he could not leave the dreadful fascination of that circle. The throws went round again, and again, and again; and after a while, yielding to the overpowering interest in the operation, he gradually got back into his former position. The Irishman kept losing, until he came down to the last cent of the borrowed shilling. He took the dice mechanically, but, before throwing, looked up and around as if to petition some power to his assistance.—His eye fell upon the boy, and his appearance suggested to him a last faint hope, to break the spell which had frustrated every throw.

"Here, Tommy," said he suddenly, "do you throw for me this time, maybe it'll change the luck."

The boy wavered an instant. The lessons of his youth, the faces of his father and mother; his sunday-school teacher, and his innocent little brothers and sisters—the sacred nature of the day, all flashed like lightning upon his mind and warned him against the temptation; but then came the pale face of the poor sick woman to rebuke him for robbing her and her little children of their fire and food. The last terrible reflection drove him to the desperate alternative. A new crime must amend or cover the old one.

He took the dice. "I throw for her; he mentally ejaculated, as he shook them in his tiny fist. The horrid nature of the act turned the prayer into an incantation and away rattled the devil's bones to speak their infernal oracle.

"Six!" cried the coalheaver with a smile of sardonic triumph.

"I throw'd for her!" said the boy to himself, as he dropped his head in despair—and the spirit of the oracle spoke again. "Can God be merciful? I throw'd for her."

"Come, come; git up, git up, if you're broke, and give room to people that's got money and wants to play!" said a fellow in a smutty mole-skin jacket and a ragged straw hat, whom the boy had a minute or two before, though he had said nothing about it, detected in picking the fortunate coalheaver's pocket.

"I've got money, too!" replied the boy angrily; and he pulled out his last sixpence, and, tossing it into the pool, gathered up five of the pennies for the change. "I'm in!"

"Let me throw for you, Tommy; you don't know how!" said the Irishman coaxingly.

"No! I'll throw for myself."

"Then throw and be damn'd, ye ungrateful young scoundrel!" returned the angry Milesian.

"Good blood, good blood, youngster! You're one of us," cried another of the players patronizingly, as a set off to the chivalrous Irishman's defection.

The throws were made. The boy with the poor widow's mite, lost—the thief with the stolen money, won.

The devilish spirit of the oracle spoke again—"Can God be just?"

The game went on and the boy was soon reduced to his last penny. He threw last and lost.

"Five!" said the coalheaver with a gleeful chuckle.

"It wasn't fair!" cried the boy clutching at the dice. "It wasn't fair! One of 'em touched your knee! Let me throw again!"

"Give me the dibs, you young cheat!" cried the thief, indignant at this dishonest subterfuge.

"I won't! I'm goin to throw again! It wasn't fair."

"Here, no capers!" said the coalheaver, seizing the boy's closed hand, and boring it on the back with his knuckle till he dropped the dice.—"Now take that! and learn to be honest, you little thief!" and he struck him on the cheek again.

The boy started to his feet, burning with rage and pain, and shaking his little fist at his tyrant, exclaimed, "I'll pay you for that, *damn you!*"

The coalheaver and the devil laughed and the game went on.

The coalheaver and the thief who pilfered from him, were fast gathering the pennies of the whole party. The boy recollects the theft of the latter and eavied him the gains which resulted from it. The Devil made a deduction for him from the circumstance and the boy availed himself of it by following suit and picking the coalheaver's pocket of ninepence. I don't know whether the devil laughed at the successful result of his suggestion, but if he didn't, he's not the *individual* I take him for.

"I'm in agin!" said the boy, taking his seat and putting into the pool. "Give me the dibs! There! Sixteen!"

"Sixteen is good," said the coalheaver grum- ly, and the boy took the pool.

The game went on and the boy began to win. He got back his eighteen pence and three shillings more. He laughed, he whistled, and he cracked his jokes as he gathered in his winnings.

"Hullo!" cried the coalheaver, as the youngster was gaily sweeping off another board; "you've got my stake for the next pool among that. I just put it up!"

"No, you didn't!"

"Yes, I did!"

"I'm damn'd if you did!" returned the boy saucily.

The coalheaver reached out to seize his antagonist, when the key rattled in the door and announced the approach of visitors.

The dice were instantly concealed, the whole party sprang to their feet and commenced sauntering up and down and humming tunes. The boy, recalled to a sense of his situation by the circumstance, turned pale and shook with terror. The door swung open and Terhune appeared before it and called out his name. He had brought him a discharge, and after giving him some orthodox advice, set him at liberty.

Were it not the extreme of folly, I would try and hope that that boy will forget his Sunday lesson in the "five day cell." But I know the devil too well to flatter myself that he will ever let him forget it.

\* \* \* \* \*

Woodcock, broiled oysters and a bottle of wine for two, and an afternoon of luxurious relaxation.

MONDAY, December 11th.

*Fluctuations of prison public opinion—Distinction of castes.*

THIS morning the moral Irishman in 122 was discharged on the application of his wife. He was put in on a charge for refusing to support her, and as been here five weeks. The object of his incarceration was to wring her maintenance from him. He earned four dollars a week when he was out. I presume he has earned less than that since he has been here.

Aleck Hoag is flattering himself that he will be bailed out to-day. He avows that if the experiment is successful, he will not be seen in New York again for some time. Aleck's money tells well for him. He has all the privileges of the prison, and very often while walking up and down with a cigar in his mouth, opening and closing doors, is mistaken for one of the keepers. Complaints have been made to the magistrates of this, and they have remonstrated with Mr. Fallon on the subject. Had I have been Mr. Fallon, I should have replied, "Gentlemen, my treatment of the unconvicted prisoners under my charge, is my own business. They are placed with me for safe keeping until they are wanted in court. If I produce them when demanded, I have faithfully performed all that is required of me." And this would be right. Every untried man may be innocent, and his lot should be made as light as is consistent with his safety.

We have had a great visitor on this tier this morning. The Irish giant has called to see Terhune's client in 147. Somebody has put the little tailor down on Terhune—his pipe companions probably—and he sent for me, being told—doubtless by the same authority—that I was a lawyer, to consult as to the means to bring Blackstone to justice for the fraud. I told him the business was too young for that conclusion, and declined advising. He declared, however, that he would complain against him. A conversation which grew out of this subject with one of the keepers, furnished me with some new and interesting ideas. The lawyers who visit this place are subject to the same fluctuations of popular caprice here as they are outside. About two years ago, a certain member of the profession of considerable ability and immeasurably superior to most of those who infest this prison, was very popular with the prisoners. In consequence of his private influence with the court, he had saved in succession, three or four men, whose cases looked most desperate. The fame of Counsellor Wriggle passed from pipe to pipe, and the whole prison resounded with his praises. Presently he was less fortunate; he lost his favor with the court, and the result was, that he lost five or six cases in succession. The prisoners became aroused to the importance of the subject; they analyzed his abilities, and after solemn deliberation on the matter, decided against him. As soon as the decree was fulminated and proclaimed, he fell faster than he rose. Every new comer was attacked the first night; his case enquired into, and he asked if he wanted counsel. If he replied in the affirmative, he was instantly told to beware of Wriggle. "Look out for Wriggle!—look out for Wriggle! If you get him you're gone, sure!" was the word from all directions, and for months Wriggle did not get a case. In short, his reputation was gone, and he has not had a case here in two years. Is not this a nice little parody upon public opinion? This building is a little world within itself, and has all the attributes of a world. Any philosopher who is sufficiently self-sacrificing, may prove this by submitting to an incarceration of thirty days.

This public opinion extends not only to outsiders, but reaches even the prisoners themselves. A criminal may lose or gain caste with his fellow-prisoners according to his demeanor or sentiments. His degree of crime also adds or takes dignity from his position, though few are absolutely reprobated, except the petty larceny thieves. They generally excite the disgust and consequent abuse of all who have arrived at the dignity of a higher crime. I proved this by passing the word on my tier, that a big loafing Irishman who was in 123 for beating his wife, had been arrested for stealing a smoothing iron from a poor woman. Immediately a volley of execrations and all sorts of abuse, thundered through the pipe, and the fellow had no more rest while he remained here. He has been discharged now three days, and even yet, voices will occasionally sing out from different parts of the prison—"Where's the infernal thief that stole the poor woman's smoothin' iron?" Petty larceny, however, is sometimes overlooked, if the offender is possessed of companionable

qualities, and can tell a good story or sing a good song, but generally it is an indelible stain, except with its own disciples. Sometimes high crimes meet with the same recompense, by exciting the other extreme of moral opposition—execration! as in the case of Leitga, the alleged murderer of his wife. There are three murderers and one pirate on his tier, and they are all down upon him. There is no situation in society in which a man cannot gain or lose by the degree of his regard for public sentiment.

TUESDAY, Dec. 12th.

*A sublime spectacle—A Sucker Sharp beaten at his own game—Painful scene.*

On Saturday last, two Italian sailors, were put in 125 and 127 for being insolent to their captain. This morning at nine o'clock the Italian Consul, a dignified and gentlemanly looking man, accompanied by a constable whose ill-favored dial acted as a foil to the former's refined and intellectual countenance, came in to see them. They hailed his appearance with the most extreme delight and in telling the story of their woes, appeared determined by their volatility to make up for the silence and solitude which their ignorance of any language but their own had condemned them to. He listened to them patiently and complacently, and left them with a comfortable assurance. In a half an hour afterward they were discharged. What a sublime spectacle does this afford? A nation stretching her mighty arms across the ocean into the seclusion of a solitary cell, to relieve the woes and vindicate the rights of two of its most humble children!

Isinprice, a fire boy, indicted for stabbing a rival fireman in an engine quarrel has just gone in for trial. He appears sanguine of acquittal. I do not wonder at his encouraging himself to hope as he has had several very pretty girls to come in and see him.

The Herald of to-day gives an account of the arrest of a broker at the complaint of a fellow, who had lost (*as he swore*) \$90 in a card party, of which the defendant was one of the players. I know this complainant. He is an old offender in the policy business, and is moreover, one of the meanest specimens of a coggling, shifting yankee extant. He complains of having been cheated. It may be, for he is a very stupid jackass, but a fellow like him who is continually laying plans to cheat others by marked cards and policy frauds, should not complain of being beaten at his own game. It is somewhat remarkable that those who are most frequently engaged in violating the law, are the first to appeal to its power to fight their battles. The stuffer who had his portmanteau filled with counterfeit eagles and spurious bills, threatened to sue the magistrate if he opened it. Charges like the above should be regarded with great suspicion, as the complainant is himself a criminal, and in nine cases out of ten resorts to the charge of fraud, to effect his purpose. Hardly a loser but complains of being cheated. Civil actions for the recovery of money lost by adverse luck, without an accompany-

ing charge of fraud, should be entirely abolished. It is prostituting the law to its own abuse, and encourages the very evil which it seeks to check. A knave with this law for his friend may easily achieve a fortune. He can bargain with it thus: I will play away \$100, and if I lose the law shall give me my money back. If I win I shall not be content with less than \$1000, and that I shall keep, I will follow this system up; I cannot lose and sometimes I must win. This law is a more detestable sharper than any blackleg in existence.

The tailor of 147 is out. He has kept his promise in regard to Terhune, and has had him arraigned on a charge of fraud. The counsellor however laughs at the matter, and says he is not to be shaken from his saddle by such a trifle as this. He rides a high horse. He has been sinking fast lately in the estimation of the prisoners here. Should public opinion decide against him he would fall—

"Like a bright exhalation in the evening,  
And no man see him more."

A most painful scene took place this morning (on despatching a party of convicts to the States' prison) between Mulligan, the fellow whom I mentioned as having struck his wife in his cell a few days ago, and that wife and his mother. Mulligan is an old offender, and was once before pardoned from a sentence of ten years. His present sentence is for the same term, and for the same crime—burglary. The wife with a young infant in her arms, and the mother, have come to bid him good bye! They have been weeping with him for an hour in his cell, and he alone remains unmoved. The keeper calls and tells him it is time to depart. Then rings a shriek of anguish from the wretched females, and the child joins its little wail with theirs.

"Oh my dear, dear, husband!" (cried the wife clasping him wildly in her arms). "They shall not tear you away from me!" Oh! oh! oh!

"Oh, my poor dear boy! dead! dead! dead to me forever, 'Oh sorrow, sorrow, sorrow.'"

The convict stood looking doggedly on the ground. No tear wet his eye. His only emotion was a fierce and imperturbable despair.

"Come, Mulligan," said the keeper uneasily, "there is no use in protracting this scene!—Come!"

"He shall not go! He shall not go!" shrieked the wife again, clasping him convulsively in her arms.

"No, he shall not go! I am his mother: you shall not take my boy from his mother!"

The keeper involuntarily turned away. Five minutes more was accorded to their grief. A new officer and two keepers were then deputed to the painful task of enforcing his departure. He first motioned with his finger and the convict in obedience to the signal, rose. One keeper held the wife, the other restrained the mother, and the condemned swaggered surlily down stairs. He shrunk back a moment at sight of the offered hand cuffs, and then reluctantly held forth his hands. The manacles clicked over his wrists, and at the sound, the females who had again reached his side, broke into another wail of woe. The earth rattling on his coffin could not have

struck more chilly on their hearts. He looked at the degrading shackles, several times in the course of a minute, and then at the negroes to whom he was chained, as if he could not realize his situation.

"Oh kiss me, kiss me but once before we part!" cried the wife, again flinging her arms about his neck, "Oh kiss me but once before we part!"

The brute lent her his cheek for a moment, and then took his head away.

"Our little baby too!" said she, blind with tears and holding out the infant.

He kissed the child affectionately.

The mother then claimed her privilege, and he also greeted her with a return.

The crowd who stood around were deeply moved, several of the prisoners were on the corridors observing the scene, and looking up at this moment, I saw Babe's eyes winking with moisture. The party were then led out, and the mother and the wife followed sobbing as if their hearts would break.

The cause of Mulligan's treatment of his wife was explained to me. She had *spotted* or betrayed him while in the act. Nothing could justify this in a wife, but there are circumstances which might extenuate it. He was in the habit of beating her cruelly, and actuated by a sudden impulse of revenge, she had delivered him up. The dreadful result however stung her with remorse, and delivered her up to the torments of the damned.

There were three negroes chained with Mulligan. One of them but twenty-one years of age, had been sentenced to an imprisonment of nine years and six months, for presenting a pistol at a black prostitute and threatening to shoot her with it. It appears to me that legislators and judges have very defective notions of time. The Recorder particularly, I should say would be likely to form a very incorrect estimate of duration, in consequence of his having lived very fast. *Thirty days* is a very long period. I presume the Recorder told the little negro that the presenting of weapons at women was a very prevalent offence, and one on which the community were honestly down. That the Court had the power of sending him ten years, but out of motives of humanity, and in consideration of his youth, it would only give him nine years and six months, that he might come out in spring time. This lenity will doubtless encourage the young man to a life of virtue when he returns to the world.

WEDNESDAY, Dec. 13th.

*The Blue spectacles and the Pirate—Dexterity of a police officer in sounding a drunken man—Aleck and Melinda Hoag—Hudson, the mail robber.*

Isinprice's trial was not concluded yesterday. He went out this morning with the remark, that "he would never come through that door"—alluding to the door leading from the Court to the prison "again." In a short time afterward he returned with a downcast countenance. He was convicted of manslaughter in the third degree.

An amusing scene took place on the second tier this afternoon. One of the deputies, who was showing a billious looking youth, in blue spectacles and white neckcloth, the prison, took him to the cell of Babe, and after exercising considerable persuasion, backed by an invitation from the Pirate himself, succeeded in getting him to go in. The moment he did so, the keeper turned the key on them both, and then ran into an adjoining cell, to listen to the fun through the pipe. There were a good many observers of this manœuvre, among whom was Blaney, who was walking on the same corridor, and who as soon as he saw the mischievous deputy vanish, turned the tables on him by fastening him in too. To finish the joke, Joe came down and double locked the latter cell, and unlocked Babe's. As soon as the terrified pair of spectacles was released, he rushed forth and ran the whole length of the corridor before he considered himself safe. Babe had heightened his terrors, by making faces at him, and chasing him once or twice around the cell with his arms spread, as if he were endeavoring to capture a chicken. The deputy was shortly after released on the mulet of a purgation at Johnny Carland's over the way.

I forgot to mention in my account of yesterday's proceedings, that Malinda Hoag was convicted of her share of the offence committed by herself and Aleck in robbing a countryman of \$54 by the panel game.

The result staggered Aleck a little, for he has already paid over \$600 to lawyers on delusive promises of success. He is now going grumbly out, to face the ordeal himself.

While at dinner this afternoon, several friends who had come to see me, called me out on the bridge with expressions of haste, to see a sight. "Look there! Look there!" cried they altogether, and on following their direction I glanced down on the first floor and saw a well known police officer, sounding the pockets of a drunken man, whom he had just brought in, in the most scientific manner. He dived with a dexterity which could only be the fruit of constant practice, into the intricacies of his dress, and every time he came out, he brought something from the bottom, which he laid beside him on the desk. After he had finished the operation, he gathered the proceeds of the whole draught together—consisting of a number of bank bills and a lot of coin—and transferring them to his own pocket, coolly left the prison. The drunken man, unconscious of his loss, was then turned into the five-day cell. I have detected outrages as gross as this, here, before, but never one so bare-faced. I am told that it is customary to search drunken men's pockets before putting them in among the five-day ruffians, else they would be robbed by them. The police officers therefore claim a pre-emptive right. Well, it matters little to the inebriate, whether his money goes to convict or official ruffians. If operations of this kind are necessary, they should be performed by a keeper, for he is always at hand to answer the inquiries of the person stripped, and is also at hand when he goes out, a circumstance which the above mentioned official will doubtless think it necessary to forget. Besides, prison

keepers are a grade above police officers in morals. I do not believe one of the present set would be guilty of taking anything from a prisoner, under such circumstances, which he would not give back; nor of receiving anything for which an equivalent, or what the prisoner estimates as an equivalent in the way of services, is not returned. It is true, the keeper now and then makes something from those under his charge, but the benefit is reciprocal, and it is perfectly fair that he should do so. The prisoner is thrown into a solitary cell. He wants a light, or a book, or a word to a friend of his situation. The keeper performs the task, or has the task performed, and the prisoner is relieved. The result is in favor of humanity. I have seen some of them, too, help those who could make them no return, out of pure good nature, and I think it not amiss to mention it, for if the keepers are guilty of some equivocal practices, they have at the same time been made the victims of a deal of unjust abuse. The only reprehensible part of their conduct that I have noticed, is their capping in for the blood-sucking petitfoggers, who infest this place and drain the veins of every unfortunate who will suffer them to obtain the slightest hold. It is not singular, however, that the keeper, when asked by the prisoner to employ counsel, should select him who will share the proceeds with him. Respectable members of the legal profession will not be guilty of this, and the result of the system is that the prisoner is generally sold to his destruction at once.

Aleck Hoag has just come in from Court. Part of a jury was empaneled in his case and the proceedings were postponed until Friday, to-morrow being Thanksgiving.

At the outset of these proceedings, I forgot to mention that Hughes, the mail robber, who was arrested for the late great robbery at Hudson, was brought in at six o'clock this morning. I found him at that time bending over the glowing stove, to warm away the over-night chill of the watch-house, while the keeper was entering his commitment in the book. He is a young man of genteel appearance, apparently about 25 or 26 years of age. Taking him for some attache of the establishment, I entered into conversation with him on the subject of the weather, and remarked that he would find it rather cold when he went out. He answered with a smile that he feared there was no such good luck. He was likely to see warm weather before his release. The surprise which this reply occasioned me, was soon dispelled by the approach of the keeper, who came to lock him up.

THURSDAY, 14th Dec.

*Bennet and the Herald—Stuffing a visiter—Prison Library—Amusements of the Kitchen*

Thanksgiving day! As I am not much given to religious devotion, and as I have nothing at present beyond life, which is at best but a doubtful blessing, I do not think I shall consider it necessary to celebrate the day in an orthodox manner, unless devouring dainties may be considered

orthodox. I shall therefore turn to my regular morning perusal of the Herald as the most rational occupation I can find. The Herald is the only diurnal I care about reading, and is, according to my notions, the best specimen of a newspaper I ever saw. Whatever may be Bennett's character as a man, his character as an editor is undoubtedly very high. Every merit is substantive and individual in its existence, and is deserving of its meed of praise. Such is Bennett's merit of editorship. I speak thus, not from any particular fondness for the man, for I only know him by reputation and his works, but from a willingness to pay a tribute to excellence, wherever I find it, and also in accordance with a conviction that an acknowledgement of merit is the highest order of philanthropy. The peculiar force of this principle may not be seen in its application to this case, but it is a sound one for all that.

While reading the paper I heard a sharp nasal voice, inquiring at my door, after the pause of its owner before it for a few moments, if there was a convict in that cell.

"No!" said Williams to the inquirer, "the prison lawyer keeps his office there. All them papers you see on that desk are indictments."

"Now, can it be possible! What does he git so far up stairs, fur?"

"Oh, he only tends to the higher department of crimes."

"Well, now, I never would a thot o' that! He aint sick o' bed is he."

"Oh no, he's only a layin himself down to his work. Wilkes, have you all them papers ready in that murder case?"

"I shall have them prepared by 12 o'clock; and Williams, I want you to look through the cell and see if you can find me five or six good witnesses for the case of the "People against Knockem." I don't mind a nigger or two, however."

"I'll attend to it. Here's two fellers jist come in that I think 'll swear a shillin out of a constable's fist."

"Them'sjist the chaps. I'll get up in a few minutes and instruct them. Is that crazy man loose on the tier?"

"Yes, he's a walkin up and down the other end, but I don't think he's likely to do any mischief to-day, as he's pretty weak in consequence o' havin tried to bite chunks out of his iron pipe last night. Four of his front teeth is snapped off."

"Well, caution all visitors against him. He's always dangerous. He ought to be chained up, for if he should commit another murder here, the responsibility of the crime would fall somewhat upon us."

"Who does he mean?" said the visitor tremulously.

"Do you see that fellow there?" said Williams, pointing to a tall Irishman at the end of the corridor, just recovering from the delirium tremens.

"Yes."

"Well, he's raving distracted. He's been a marine in the navy, and always fancies he's de-

fending a ship, and has tried to throw several people overboard. Day before yesterday, he chucked off a man who came to offer him a tract on temperance and killed him instantly. We have to keep a pretty strict watch on him."

"My God!" exclaimed the visitor, and without muttering another word he made for the stairs, and in another minute was out of the prison.

"Well, Wilkes, we kind a fetch'd that feller, eh!" said Williams, entering my cell with a laugh. "The next chap that comes, I'll play the dog off on him. He had on a white neck-handkerchief, and I'm down on them; they're behind the age, as the Good Samaritan says."

The prison is dull to-day. General visitors are excluded and the place bears a Sunday aspect. In sauntering about, I dropped upon a feature of the prison which I had not yet discovered, in the shape of a library, or a collection of stupid volumes which make pretensions to that title in the centre cell on the first corridor. This apartment has been appropriated to the above purpose, at the application of a sect, and of course, its literary contents consists only in sectarian works. I believe all others are excluded. The following notice, which is conspicuously placed upon a closed set door within the cell, and the accompanying list of its volumes will enable the reader to form his own opinion on the subject. I was particular enough to take them down, as I consider the subject entitled to a grave consideration.

#### "PLEASE TO READ THIS NOTICE."

"All visitors to this city prison for Moral or Religious teaching, or instruction to the *convicts*; likewise all preachers for the female department, coming by invitation of the Library Committee, will please to record their name or residence on the Register, kept in the Library room, so that the committee may know their fellow laborers in the cause."

"E. P. STODDARD, Sec'y of the Lib. Com."

#### LIBRARY.

Bible.

Testament.

Bible.

Two old Directories.

English and German Dictionary.

Memoir of the Rev. Henry Martyn, D. D.

Olney's Geography.

Scripture Text Book.

Geography.

Church Almanac (Episcopal) for 1844.

Prayer Meetings.

Art of Contentment.

Questions and Notes on Exodus.

The Kingdom Come.

The Sinner's Friend.

The Psalter.

Law Directory. (This intensely interesting volume is probably an instance of the philanthropy of Charles De Merrit, Esq., as it has his name written conspicuously on the title page.)

Bogue's Evidences of Christianity.

The 1st volume of the Life of Mrs. Fletcher, relict

of the Rev. D. Fletcher, with an oval likeness of the good lady.

Geography.

Clarke's Scripture Promises.

Child's Scripture Question Book.

Jack Halyard.

French Phrase Book.

Prayer.

3d vol. of Scientific Dialogues.

Bloomfield's Family Prayers.

Baxter's Dying Call.

Aid to Growth in Grace.

How a Child may be Saved ! Can anything be more impious than this title ? How a Child may be Saved ! Will the great, the glorious, the beneficent Being, whose mercy and benevolence pervades the universe, damn a child ?

Prayer.

Testament.

2d vol. Practical Piety.

Baxter's Saint's Rest.

Biography of Pious Persons.

Pleasure and Profit.

Seven Prayer books.

Narrative of the Rev. J. S. C. F. Fry. This pompous parade of capitals before the Rev. gentleman's surname, forcibly suggests the comparison of some of our military companies which sometimes parade with a band of twenty-one pieces, and a battalion of seven padded warriors.

Jewish Customs.

Bush's Scripture Questions.

Two copies of the Life of the Rev. J. Benson.

Life of Susan Kellock.

Sinner's Friend.

Lofty and Lowly away.

Bible Questions.

Religious Hints for Young Minds.

Sabbath School Harmonist.

Psalms.

Clark's Lectures for Youth.

Precious Pearls for the Soul—a roundheaded tract of the times of the Protector Cromwell, and a contemporary of " Hooks and Eyes for Believer's breeches."

Griscom's Address at the opening of the High School.

3d vol. of Village Sermons.

4th vol. of " Julia or Nueva Heloisa," an Italian translation from Jean Jacques Rousseau. This daring interloper has doubtless escaped expulsion in consequence of its mysterious disguise.

Academ. c Literature.

Manual of Family Prayers.

Life of Wesley.

Bible.

Commercial Correspondence.

A Faded Arithmetic.

A dilapidated Spelling Book.

German Phrase Book.

Thoughts on Religious Education.

Trial of Hodge for murder.

Memoir of Mary Green.

Gift for Children of Sorrow.

Maternal Duty.

Keith's Prophecies.

The Violet Leaf.

Sabbath School Harmonist.

A Few Thoughts.

Modern Chiliasm.

Specimen of Divine Truth.

Gleanings for Youth.

Sermons for Young Persons.

Scripture Questions.

Affectionate Address to the Clergy.

Essays by the Rev. Cotton Mather.

Catechism.

Spirit of Prayer.

Believer's Pocket Companion.  
Daughter's Own Book.

Hymns.

Bible Question.

Percival on Apostolical Succession.

Die Bibel.

Bible.

Christian's best Companion

Episcopacy Examined and Re-examined.

Hebrew Grammar.

Memoirs of Mrs. Turner.

Missionary Poems.

Sermons from the Birds and Lilies.

2d vol. Works on Episcopacy.

Psalms

Rise and Progress of Religion in the Soul.

Gospel Treasure.

Epistolary Guide.

Volume of Tracts.

Erskin's Sermons.

Cold Water Man.

Backslider.

Gleanings for Youth.

Christ a Father to his Children.

Vol. of Protestant Episcopal Tracts.

Scripture Questions.

Two Hymn Books.

Scripture Lessons.

The Jew.

Are you a Christian ?

Sunday School Hymn Book.

Four Hymn Books.

Christian Experience.

Speech of John McKeon on the Ashburton Treaty.

National Preacher.

Annual Report of the Bible Society.

Annual Report of the Tract Society.

Annual Report of the Evangelical Society.

Journal of the Temperance Union.

Four numbers of the Missionary Herald.

Sacra Privata.

Argument in favor of Infant Baptism. The discussion of this highly important subject will doubtless prove highly interesting to all the convicts.

The Church, the Nursing Mother of her People.

Episcopacy tested by Scripture.

Evangelical Truth and Apostolical Order.

Holy Ghost resisted.

Don't Unchain the Tiger !

The Wrath to Come.

Reasons from the Bible for Future Punishment.

142 Fire and Brimstone Tracts.

1 Grammar.

3 dog-eared Geographies

1 mouldy and dislocated Dictionary.

I am sincerely grieved to say that the above instructive, amusing and consoling works receive very little notice here. There is scarcely an instance in which they are not promptly rejected by the prisoners when brought to them, in consequence of their applications for something to read. They appear stiff-necked in their adherence to something that will drive away sorrow by depicting scenes of joy, and obstinately refuse to doctor their misery with consoling pictures of hell fire.

Babe and Blaney are on the corridor. The latter is lending to Isinprice, a copy of Morley Ernestine, an interesting novel, by J. P. R. James, which I loaned to the former, and a longer opposite is sitting in his cell door, perusing a copy of Charles O'Malley, which has travelled the rounds of nearly the whole prison. If people will be foolish enough to forget their own unhappiness in vainglorious and profane delights, neither I nor the Library Committee can help it.

Finding the time hanging heavily upon my hands this afternoon, I sauntered into the kitchen. It was filled with a very promiscuous company, amounting in all to about thirty persons, consisting of white and black, male and female, most of whom had originally been sent to Blackwell's Island, and who, as I have stated before, are retained as servants to the prison. Williams, who is a sort of a Major-domo of the whole establishment, was engaged in the midst of a circle of admiring hearers, lecturing on the principles of the mainly art of self defence, and justifying its incitation on the ground of its being "a guard against ruffians in the dead hour of the night." A big nigger, surnamed Ben Caunt, from his herculean size and great physical strength, who is the bully of the department, was his most attentive listener, and at times smiled superciliously at what he considered the presumption or the vanity of the lecturer. Williams being determined to excite his admiration, threw him self into a series of spasmodic but brilliant attitudes. Ben Caunt denied the correctness of their pugilistic principles, upon which the former suggested a practical demonstration of the superiority of the opposing systems on the spot.

"Ah, whew! Dats what I neber refuse any man said the black bruiser, throwing off his jacket.

A ring was formed, the women on the outside, all wishing success to the chivalrous Williams. The combatants squared; they sparred; they alternately stepped forward and then alternately gave ground; they edged around; they measured each other from head to foot; they feinted; they made slight dodges, and then resumed their composure and sparred again; and thus kept up a series of masterly manœuvres that would have shamed Belcher in his palmiest days. At length the dusky representative of the London fancy, hit out: but the blow was caught and thrown off by the professor of the new system, who gathering his arm at the same moment, discharged a tremendous douse on the black chopy of his antagonist, which being followed up instantl with the other fist into his ribs, shot him like a quoit over an empty flour barrel, under a stationary bench near the women's kitchen.

"Hey! hey!" shouted the motley spectators in delight.

"Bravo! Hurrah! Williams is the boy!" cried the women, clapping their hands.

The gratified victor walked around elate with triumph. Ben Caunt was raised up by his second, a se-pulchral looking darky named "Sheepskin," (so named from the fact of his having been convicted of stealing a quantity of that material) and set upon his knee. Ben did not need that special nursing, but he was a strict observer of the rules of the ring, and effected it, therefor—

"Time!" cried Kate Jackson, the mistress of the kitchen, who stood as umpire of the conflict with her arms a kimbo.

At the word, the rival theorists came up again.

"Two to one on Williams!" cried two of the women in a burst of confidence.

"I'll take that!" said Ben, turning his eyes slightly towards the offerers as he squared away.

"Well take it then!" replied Williams, darting out his right, and spinning away the black hercules as before, with a repeater on the jaws.

The sudden appearance of the head keeper coming through the gate, here put an instant check upon the applause which greeted this splendid exploit, and in an instant, everything resumed the most systematic and orderly appearance. "Sheepskin" began scrubbing out the mush boiler. "Ben," shouldered the barrel; Kate Jackson seized her smoothing iron, and Williams began innocently to play with the cat.

FRIDAY, 15th December.

*The Good Samaritan and the Poet—Dispute on the Oregon Question.*

A YOUNG writer came to see me this morning for the purpose of reading me some portions of a manuscript poem in 'Beppo' measure, which is now in course of writing. When he left, the Good Samaritan hailed me, with the enquiry of "Who's that chap, with the hair behind his ears and his collar turned 'way down?"

"He's a poet, Joseph, and a poet of considerable pretensions too."

"Well, he appears as if he might be all pretensions. His coat looks like the last of pea time, and the Brussels are stickin' out of his stock."

"That's the reward of his patriotism He is writing a poem on Independence!"

"Ah! then the country is out of danger, and the constitution will be preserved. He's got very bad boots though," said Joe, relapsing into reflection on this important fact. "He's got very bad boots, and that generally puts the community down on a man. I'd advise him to git on the right side of Boss Richards forthwith."

There was quite an interesting little fight on the second tier this afternoon, between a burglar and a forger. The quarrel originated between them on the evening previous, and grew out of a hot discussion, through the pipes, of President Tyler's position and the Oregon question. The lie and several scurvy names were passed, and the dispute wound up with threats of vengeance and a mutual challenge. As soon as the cells were unlocked at two o'clock for dinner, and the keeper had got out of the way, the two belligerents sprang out of their doors and began pummelling each other with the utmost good will. Before they were discovered and separated, the burglar got a black eye and bloody nose, and the forger lost two or three handfuls of hair. The advantages, or disadvantages rather, were equal—so the President's position and the Oregon question still remain unsettled.

This evening three or four privileged prisoners, who are confined for assaults and batteries, were gathered together on the upper bridge telling stories and repeating to each other some of their exploits. I approached them and sat down a listener. The conversation, as is customary with men of depraved minds, soon became of a licentious nature, and each, in turn, glorified himself in the relation of some amatory exploit. A short, thick set fellow, with a round bullet head, and a countenance which bore every impress of the brutal sensualist, took up the conversation shortly after I entered the circle, and excited my disgust and horror by the following story:

"Last summer, in the month of August, I had a rich thing. I was standing on the corner of Bleeker and Carmine street, about six o'clock in the afternoon, and there came along a big country girl. I know'd she was a country girl by the wild way in which she looked up at the houses. All at wanst she stopped and looked up and down the street—and thinks, sez I, here's a chance. I went up to her, and asked her who she was lookin' for? She told me she was a lookin' for De-lancy street. Well, come along with me, sez I,

I'll show you where Delancy street is. She refused at first, and said she was afraid I would n't take her to the right place. I asked her if she took me for a ruffian, and if she thought that I would do a thing of that kind? She said she didn't mean to say that, but she had never been in the city before, and had heard all sorts of bad things of young men in New York; but finally she said she didn't think such things of me, and I got her to take my arm. Well, I got her to walkin' about, and I talked to her so sweet that she told me all about herself. She said she had no father nor mother, and had come down from Newburgh on a visit to her aunt in Delancy street. She didn't know the city at all, and never havin' been in it before, she stopped at the first landing at the state prison dock, and that's the way she came to git lost. Well, I talked on to her until it got dark before she thought, and I got her away out in the open lots near the White Fort. Then she begun to git frightened, and said I wasn't takin' her right, and that wasn't the way to Delancy street. I told her yes it was, and that we'd come to more houses presently. Well, at last it got pitch dark, and then I let her know my object. Great God! what a scream she gave when she found it out! I catch'd her round the neck and stopped her mouth though, and after a while I took my hand away and she stood a tremblin' like a leaf. I had a good mind to let her go, but then when I came to think of the trouble I'd had, and the time I'd spent, I thought it would never do. She stood a tremblin'—there! just like that!—and all of a sudden she looks all around and sees it so dark and lonesome, that she give another screech that would have awaked the dead. Then I took and flung her down and hild her jaws close shet, and then I looked all round to see if there was any one near, for I began to be frightened myself, for I know'd they'd send a feller to state prison for sich a thing as that. Well, there was a little house about a stone's throw off that I hadn't seen, and it appers the noise must a start-ed the people that lived in it, for a big Dutchman come out and come up to me. J—C— how desperate I was. I sang out for him to go away; but he only jabbered the more, and still came on. When he got within ten foot of me, I jumps up. There was a deep gully that run within a pace or two from where we were—and I draw'd off and hit him smack in the neck, and sent him plum right down it. I thought I'd killed him! for he never spoke, nor even groaned. I thought I'd killed him, for I hit him so square and knocked him so stiff, that I considered the fall after that, must a killed him. After I had disposed of him I turned back to the girl—she had fainted away. Then I was in a pretty muss. I didn't dare to stay where I was, so I snatched her up and run with her a couple of lots off, and then tried to bring her to. After awhile she began to come about, and then—

\* \* \* \* \*

Well, I never seed a girl cry so in all my life. She cried all the way in town; and this, and thinkin' about the Dutchman that laid in the gully, made me feel pretty scarish I can tell you. It was about half-past eleven o'clock, and every block I come to I was afear'd to see a watchman, for

fear that she would tell him all and ask him to take her home. Think, sez I, I must git rid of this duck as soon as possible, and two or three times I had a good mind to haul off and knock her stiff, and run. But finally, I left her at the corner of Bleecker street and Broadway and told her which way to go to Delancy street, and I stepped out. May be I wasn't glad to git back to the ingine house that night and turn in."

"Well, I've been listnin' to all you said," said Williams, breaking in upon the deadly pause that followed this tale of horrid brutality.

"I expected you was," replied the ruffian, unabashed.

"Perhaps you'd like to have my opinion of you?" again said Williams.

"I don't mind."

"Well, I think if you aint made captain-general in hell, it'll be because they don't consult your claims, that's all; and jist take notice my laddie, that if I can catch you at any time to-morrow in the kitchen, I'll whale you within an inch of your life. Come boys, let's leave the damn'd son of a b—, and go to bed."

The suggestion was instantly adopted, and the monster was left grumbling to himself, at this the first punishment which had been awarded to his infamous and dastardly outrage.

Saturday, Dec. 16.

*Kitchen capers—Mag Madden—The Dark Eyed One—Boy Jack and Mrs. Dickens—The Chaste Irish girl—Promiscuous Imprisonment.*

This has been a dull day with me and I have been trying to drive off low spirits by canterizing over a couple of cantos of "Don Juan;" a poem written by an obscure person called Byron, which the learned and erudite Jemmy Whiting, alias "Little Bitters," alias "Jack Pudding," asserts nobody likes. Don Juan and a successions of segars kept me employed till dusk, and then I went down stairs to take a peep at high life in the kitchen. There, as I expected, I found all the lazzaroni loafing about after their days work and amusing themselves according to their several inclinations previous to retiring for the night. Four prostitutes from the "Five Points," who had been arrested altogether for a drunken riot, and who severally bear the euphonious titles of "Mag Madden," "Boy Jack," "The Dark Eyed One," and "Mrs. Dickens," were engaged in a cotillion, and each was attended by a male partner in the performance who appeared to live for nothing beyond the purposes of that dance. Mag Madden, a tall, gaunt, pale-faced Irish virago, with an eye full of devilish malice, and a tongue which could outthunder Etna, had the sooty "Sheepskin" for her swain. Boy Jack, a short, stumpy blossom, with that most vixenish of all features, a sharp chin embedded in fat, acknowledged her favorite in "Lofty," another darkey of tremendous altitude. The "Dark Eyed One," so named from the funeral ogles she wore when she came in, had a Dutch thief named "Heel Taps," who had been sentenced for stealing a pair of boots, as her temporary *cher ami*, and Mrs. Dickens, a

lazy looking, ill-jointed sloven, with a languid smile, a profusion of straggling dust-colored hair, a thickly freckled skin, a watery eye, a Roman nose, a very moist lower lip, with a perpetual crimp or plait in it, which overhung a great brown wart bearing on its crown a stunted shrubbery of bristly hairs, went through the figures with a pallid-faced fat fellow with a desperately squinting eye, who is honored with the elegant and expressive *soubriquet* of "Sock 'em."

Mrs. Dickens, though her name appears indigenous to the grade of society to which she belongs, owes her title entirely to a complimentary notice which she received from the great king of Cockaigne, while he was in this country for the elevated purpose of taking care of his own interests as a copyright apostle, and of raking together garbage for the appetites of those who had paid him to violate every principle of truth, decency, honor or manhood, to pelt the friends whose bounties he accepted, whose salt he ate, and whose bread he broke. In pursuance of this latter object, the author of "*American Notes*" sought the residence of Mrs. Dickens, and while there cottedon to the fascinations of that plaited lip, those watery eyes, that hirsute wart, and that languid smile. Mrs. Dickens is not a little proud of her title, and by no means allows concealment to feed on her freckled cheek, but, on the contrary, frequently evinces her devotion to her transatlantic chevalier by kissing her hand affectionately across the water. Doubtless this evidence of constancy, if the proof of it ever reaches him, will be highly gratifying to the feelings of the great American tourist.

The cotillion which the above select party formed, moved through its figures gracefully to the tune of "Dandy Jim," played upon a giant jews-harp by Ben Caunt.

Farther back in the huge apartment, a game of blindman's buff was going on, in which Williams was the principal actor. He was the blind man, and had just succeeded in pinning a buxom little Irish woman against the furnace, whom he compelled to this penance for several moments for the vexation she had given him.

In the woman's kitchen, a small room adjoining the main one, the good-natured and benevolent Mrs. Catharine, *alias* Kate Jackson, the mistress of this department, was ironing by a large, glowing grate. A supper table was spread in one corner of the room covered with broiled beef, bread and coffee, by which sat three repulsive and prematurely wrinkled hags, mumbling over their meals, and two little girls between the ages of nine and eleven. A big, stupid lump of an Irish girl stood gazing vacantly in the fire, and occasionally helped Kate to the irons. The children are vagrants and are to be sent to the Long Island Farms to-morrow; the Irish girl is a thief, charged with pilfering tea and sugar from her mistress to give to her poor relations. In consequence of her strongly expressed disgust of at the frequent profanity and vulgarity of the conversation of her companions and also in consequence of her assertions of her chastity and rejection of the amorous advances of a certain male inmate of the kitchen who is a general favorite, she has been made a mark for all the ribald indecency and low ridicule which

the depraved imaginations around her could devise. I was a witness to an instance of this, after the dance was over, when all the performers flock ed into this kitchen.

Mag Madden, at the signal of the rejected suitor, commenced an ironical dialogue with the "Dark Eyed One," of which the girl's virtue was the burden; and for infamous and disgusting obscenity the conversation exceeded anything I had ever heard. The two little girls at the table stood during the conversation, with their mouths wide agape and their ears wide open, drinking in every word, while the surrounding audience occasionally laughed in a chorus of derisive approbation at every new sally of her tormentors.

Is any stronger instance than this wanted of the horribly demoralizing effects of promiscuous imprisonment? The crime for which this poor girl is suffering this dreadful peril, does not imply a great degree of moral guilt, and yet she is condemned to the same fate as the most abandoned thieves and prostitutes, and to the dangerous contamination of their society. The highest portion of her morals will become corrupt, and thus she is doomed to suffer a double ruin. Her debased companions in punishment but lose the liberty which they daily prostitute and abuse. She loses liberty and virtue both.

The invariable effect of promiscuous imprisonment is to inflict a ten times heavier punishment upon the innocent than is visited upon the guilty and depraved. Ten days in the City Prison will incline any boy to become a thief. A few more conversations such as those I have just heard, will, if repeated in the presence of these little girls, prepare them for future lives of harlotry.

SUNDAY, 17th Dec.

*The Grand Jury—Sunday diversions in the cells.*

I forgot to mention in my account of yesterday's proceedings, that the Grand Jury visited the prison, and after examining the three preceding tiers presented themselves at my door. I was setting at my desk smoking a segar, and writing a letter to a Senator at Washington. They gazed in, one after another, like a herd of children taking their several pin's worth at a peep show, and stared alternately at the large capitals "Grand Jury," printed on the back of my desk, and the ornaments which decorate my room.

"Is that the Grand Jury's desk?" said one.

"It has been;" replied I.

"And you write on it, do you?" said another.

"I don't do anything else. I prepare indictments on it against those who have injured me, and also against such rogues as can be reached in no other way."

"They then inquired of me the character of the prison food. I told them that it was entirely insufficient. That the ordinary rations were, for breakfast, a chunk of coarse bread, and a tin cup full of a decoction of burnt peas and horse beans — for dinner, a pan full of mush and molasses, with a semi-weekly variation to bone soup; that no vegetable or other food was ever served; that

this precious breakfast was given out at nine o'clock in the morning, and the dinner at two, from which latter hour till the next morning, the prisoners had to fast."

"Well, two meals a day is enough for 'em!" said a rigid faced fellow in a white neckcloth, with a tract sticking out of his coat pocket."

"You probably dine later than two o'clock, do you not, sir?"

"I dine at four."

"Do you ever go to bed without your supper?"

"Oh, me and the prisoners is two different things."

"Very! There are some decent and innocent men in here."

When this fellow fell back, another asked me if I had noticed any thing else, which I would like to speak of?

"Yes," said I, "the incarceration of witnesses in this building among criminals, and feeding them upon the same scanty and disgusting fare."

"Oh, that's an old subject, but I mean something new."

"Well, I have something new too. I wish to enter my protest against the pipes which are laid down here, and filled with lukewarm water on pretence of heating the cells."

"They are inefficient then?"

"Entirely so. Some new system should be adopted, and at once. They might be taken up immediately, for their absence would not be missed."

"Good morning sir!"

"Good morning gentlemen!"

Exit Grand Jury.

There are several bluff parties in the different cells to day. Williams makes one of four players in 133, and he now stands eleven shillings ahead. A boy who runs of errands for the prison, went in for a few minutes and took a hand. He left in answer to a call, but went away five shilling, winner. He is a hopeless scapgrace. Out of choice, he sleeps in a cell between two negroes for the chance of throwing the dibs with them at night.

MONDAY, Dec. 18th.

*An unnatural mother.—Terhune.—Babe.*

Babe went out at nine o'clock this morning for trial, in the charge of James Smith, U. S. Marshal. He had every appearance of having slept well and was as cheerful as ever.

Blaney, is eating his breakfast before going into Court for trial. By advice of his lawyer he will offer a plea of guilty of manslaughter in the third degree.

This afternoon a little boy, very neatly dressed, with a large mild eye, was brought in by his mother and coldly delivered up on the ground that she was unable to support him. He bore the unnatural abandonment like a little man, and kissing the unnatural parent when she left him, asked her if she would ever come to see him any more.

"Yes, to-morrow," said she mechanically, and then turned away without any show of emotion.

The Good Samaritan claimed him for his tier, and invited me up to see him. The boy said that

his mother was a widow and that he was her only son. He did not want to stay in "this dreadful place," but wished to learn a trade or go in a store, so that he could earn his own living. He had been living with his grandmother in the country, all summer and she wanted him to stay all this winter with her till a gentleman who had promised it to him, could take him in his law office; but his mother could not send him to the country because the river was closed, and therefore placed him here for the purpose of having him sent to the Alms House. The reflections that this summoned to his mind and the dreary prospect before him called a tear into his eye, but he struggled to swallow his rising grief, and rubbing away the moisture with his handkerchief soon winked it dry.

Poor little fellow, you are commencing a dreary ordeal. May the power which watches over sparrows deal mercifully with you!

Terhune's star is obscured and runs the danger of an eclipse. A motion has been made in the court this morning that he be thrown over the bar, or in other words expelled from the profession. The Court however postponed their decision in the matter until Friday next, as Terhune is to be tried on an indictment previous to that time which involves the circumstance in which the motion to disbar is made.

Nine o'clock and Babe has not yet returned from Court. The prisoners ever since dark have been singing out his name after short intervals of profound silence, and inquiring the result of his trial. The interest with them is intense and all disposition to hilarity is swallowed up in an absorbing concern for his fate. The keepers below have to keep replying to their inquirers, that he has not come back. No one thinks of Matthews. Tired of waiting for his return I went up stairs to bed, when in a few minutes after I had fairly got in, he returned and remained by the stove for a couple of hours and detailed the whole proceedings of the day.

TUESDAY MORNING, 19th December.

*Capital punishment—Circumstantial evidence—Conviction of Babe.*

I MADE it my first business this morning to rise early and go down to see the pirate. On descending to the ground floor, the first person who met my eyes was Monsieur Peter Rierison. He was sitting complacently by the stove, his legs crossed over his cane, with the utmost nonchalance, while he amused himself by puffing a cigar and reading the morning papers. The public are so well acquainted with the character and exploits of this celebrated financier, that it is unnecessary I should enter into a detailed account of them. Suffice it, that Peter is in this time for false pretences, and now awaits the arrival of his counsellor to demand his examination. I have no doubt he will squirm out of his present difficulty with his usual ease.

Babe is all ready for his journey to the court. His spirits do not appear affected, though I notice that he speaks with more earnestness about his trial.

I sat down and read the account of it in the Morning Herald before going up to see him. The evidence, as far as it goes, proves merely that a vessel was found at a certain time which bore evidences of a violent and bloody conflict, and that three men, of whom Babe was one, were subsequently arrested with the mate's gold watch and some of the captain's clothes in their possession. The circumstantial evidence it is true, is strong, but not sufficiently so, to justify a jury in rendering a verdict of murder in the premises. It certainly appears that a most atrocious deed may have been committed, and one for which somebody deserves condign punishment; but let us beware of jumping at a conclusion against a human being's life. I offer no opinion as to Babe's innocence or guilt. Let every man decide that for himself; but let us not forget that he may be innocent. He says that the mate and captain quarreled, and that the former was drunk; that he (Babe) was at the tiller—all the rest below; that in witnessing this affray, he let the tiller slip from his hand, and the vessel thrown from her course, gibed, and the sudden swing of the main-sail boom struck them overboard. This is not impossible. I sailed a voyage once, in which the mate and captain were both drunk during a tremendous storm. The mate sat asleep in the round-house for two hours, while the captain snored in bed, with the neck of an empty champagne bottle in his hand. When they compared notes the next day, the captain threatened to put the mate in irons, and the mate threatened back that he would knock the captain down. Neither of the threats were kept, for it was daylight, and both were sober; but had it have been night, the result might have been different. Neither is it strange that the cupidity of four needy sailors should be excited after such a circumstance as was said to have occurred on board the Sarah Lavinia, and that they should have appropriated some of the articles on board to their own use. God knows all about the above matter! Let him direct the issue. Innocent men, however, have been executed; and I know that if my perceptions and my powers engrafted the whole of such a case, no guiltless man should be suspected, much less die. I am opposed to convicting men to death on circumstantial evidence, and also opposed to capital punishment altogether. In opposition to all arguments in favor of the first, I oppose the established fact that people have been innocently convicted by circumstantial evidence, and will cite a case. Three persons quarrelled; one held a knife in his hand. Another snatched it from him, struck it into the body of the third and fled. He, whose knife had been used, stooped down and plucked it from the body of the wounded man to save his life, and stood gazing at his dying throes with speechless horror; and while in this position, a number of persons ran up and apprehended him as the murderer. He was tried, condemned and executed. Three years afterward, the real murderer confessed his crime upon his death-bed. Here is circumstantial evidence stronger than in the case of Babe, and yet the jury erred. In opposition to capital punishment, I simply offer the following question. Has one man, since the construction of society, suf-

fered the punishment of death for an offence which he never committed? If yes, the rule is monstrous!

Any rule is monstrous by which an innocent man may die or be punished, in any way, beyond reparation! Imprisonment for life is a far more terrible punishment, and it affords an opportunity for latent justice should a man be innocently condemned. Eugene Sue, the talented author of the Mysteries of Paris, in pleasing himself with a notion on this subject, overlooks the chief argument against the system which he, in common with all men of humane hearts, condemns. He suggests *blinding* instead of death. The object of capital punishment he asserts to be the depriving of the criminal of the power of repeating his injuries to society. Blinding, says he, will effect this object, for it will render a man as powerless as a child, and it has an advantage over capital punishment, as it will furnish him with ample time for repentance. It doubtless is important that a man should repent, but it is no less important that an innocent man should be restored to society and receive amends for the terrible wrong he has endured. Latent justice may vindicate the victim of a wrong, if he be the unmutilated tenant of a prison; but no power on earth can give a man back his eyes. What would be the sensation of the judge or the juryman when they gazed afterward upon the sightless balls of the miserable wretch, whom they, upon circumstantial evidence, had unjustly condemned to the misery of eternal night. This horrible suggestion appears to be the emanation of a fiend rather than the proposal of a philanthropist.

The U. S. Marshal has just arrived for Babe to go to Court. On opening the door the latter is found neatly dressed in his blue jacket, trowsers and little cap, and all ready to depart on the day's business.

"Well, how did matters go yesterday?" said I.

"All against me, though nothing more than I expected. The witnesses swore that they found the vessel abandoned, and that there was blood on the deck, and the print of a man's head on it. I would have admitted all this, for I put as much down in the log book, and if I had cared about concealing it a bucket of water would have washed it all away. They also swore to the Mate's watch and the Captain's clothes."

"Well, those circumstances are not conclusive against you. It however all depends upon the character of your jury."

I have not much faith in any jury. I have none at all in this one. They will convict me, certain.

I agree with you in regard to juries. They are perfect lotteries, and the chance for justice from their decisions is as well decided by the flip of a copper. Juries have been known to cast lots for their verdict, and scarcely one sits which does not bargain and compromise scruple against scruple. A jury in the case of Colt after listening to the proceedings of ten days, the eloquence of ingenious counsel, which dilated upon every fact, and the profound sagacity of a learned judge, went out of their seats standing eight to four. No new fact or argument could be brought before their minds after they left the Court, and yet they altered to nine and three, then ten and two, and

at length brought in a verdict of guilty. What could have been the nature of the power which thus swayed their minds from their original conclusions? Not a new effort of reason certainly, for it would be absurd to accord reason to minds so mean as to be at the mercy of the last remark that assailed the ear. What a pretty comment does such conduct as this afford upon the system of decision by juries?"

"Give me a judge when I am right and a jury when I am wrong," said Babe.

"Were the proceedings of the trial irksome to you?"

"No, interesting, but painful. I was amused sometimes though to see the reporters stare me in the face at the introduction of every new witness."

"Did you express any emotion?"

"I did, a little, I believe, when the Captain's wife came in. Poor woman! It would have drawn tears out of a stone to see her. Besides, I knew her before, and—

Here the Marshal entered with the handcuffs and broke off our conversation. While the irons were being put on, some voices at the pipe called to Babe to wish him "good luck," and after thanking them he went out bidding me good morning.

#### 5 O'CLOCK.

Mr. Malachi Fallen, who has been actively engaged during the last two days, in procuring the discharge of Williams from his fine, has at length succeeded in an application to the Court of Common Pleas for that purpose, and has just informed him that he is free. Williams though grateful to him for the service, is not "dead sure," to use an expression of his own, that he rejoices in his release. He had made up his mind to stay all winter, and the only objectionable feature of his confinement was removed the evening before, in his perfect reconciliation with Dog Jack.

"That's jist my luck," said Williams, soliloquizing as the keeper left, "jist as I had every thing snug, and got current with old Jack, I'm discharged!"

"Well, well, Williams" said I consolingly, "what's done can't be helped, and you must endeavor to bear your liberty like a man."

At this moment word came in that Babe had arrived from Court, and I hastened at once down stairs to hear the conclusion of his trial. On crossing the bridge of his tier, the word "convicted" which was buzzing about in all directions, informed me of his unhappy fate. I found him sitting on his bunk, smoking a pipe, and conversing with the head keeper and the marshalls who had conveyed him from the Court. His face was flushed with excitement, but his manner betrayed no evidences of emotion. He rose to greet me as I entered, and on shaking my hand said with his usual smile, though his voice was a little saddened—"Well, Mr. Wilkes, they have convicted me."

"Indeed!"

"O, yes." "Well it can't be helped, said he, after a pause, and all I have to do now is to try and die like a man."

"I know you will do that, Babe."

"No, you don't know it yet, but you will by and by, Mr. Wilkes."

"How did your counsel manage your case? Were you satisfied with them?"

"Oh, they did as well as they could, but that Mr. Hoffman is a great lawyer; and if I'd had him for me instead of against me, I would have been acquitted. He did perfectly right though, and just as I should have done if I was in his place; and he was very fair towards me too! Oh, I'll engage he's a fine man."

"You have formed a just estimate of his character."

Here some voices at the pipe impatiently asked him why he did not answer them as to the result of his trial.

"I've been discharged," said Babe down the pipe and looking with a melancholy smile towards us.

"Oh, no!" answered the voices, "that news is too good to be true."

"Well, then I've been found guilty."

No answer was made to this, and he closed the lid.

"I'm thankful," said Babe, resuming the conversation, "I am thankful that my father and mother don't know of my fate, and that no one in this country knows my right name. It would break my parents hearts if they should hear of it, and I would rather lie down this moment and have my head chopped off on that floor, than it should ever reach their ears. For myself, I do not care; I have always been a man and it will be seen that I will die one."

Here the marshall informed him that it would be necessary to change his cell and chain him according to custom, as well to secure him, as to prevent him from taking his own life.

His countenance fell at this and assumed a most sad expression. He looked around the room and upon the objects which a long residence had rendered dear to him with a melancholy smile as he turned to leave them forever, and giving a sigh as he stepped from the cell, remarked—"Your precaution is unnecessary. I never killed a man yet, and I am sure I shall not now be fool enough to take my own life.—Others shall bear the responsibility of that."

He was then removed to another cell on the same tier, and previous to being chained was searched from head to foot. As piece by piece was taken from him, he would fold his arms in fierce despair with the consciousness that every

hope was really flitting from him forever. The chain at last was put upon his ankle as he lay in bed. He bore it all stoically and never once allowed an expression of anger or fretfulness to escape him.

I asked him if he had eaten since breakfast, and on his replying in the negative, Mr. Fallon at once sent out to a neighboring eating-house for a supper, and gave a standing order that he should be regularly supplied with good meals from the same place, at his own private expense. When the supper came in, which consisted of a good beefsteak and a large pitcher of coffee, Babe voluntarily handed back the knife and fork with the remark that such things were denied him, and he did not wish them brought again.—He looked and spoke cheerfully to the last moment of our stay, and that his mind is superior to his condition was shortly after evinced by the fact that on entering his cell at nine o'clock, he was found to be buried in profound repose.

WEDNESDAY, December 20.

*My release—A parting notice of my persecutors and friends.*

The day of my release. Here ends my imprisonment, and with it ends this journal. I go from this prison with no contrition for my alledged offence, no resolution for amendment, no sense of joy at the recovery of liberty, but with a curse in my heart against those who have put my wrong upon me. This feeling is not the result of any real suffering or mortification that I have endured, for with the exception of a deprivation of a single enjoyment, I have been quite as comfortable as if at large; but from a consciousness of a burning and outrageous injury, which, to overlook or forgive, would be treachery to myself and injustice to every one who is less capable of making a defence. The man who tamely submits to the injuries of power, is an unworthy citizen, for he establishes by default of his resistance, a precedent for a wrong which may next be visited upon his neighbor, and by degrees extend its outrage to the whole community. I, for one, will never consent to sanction villainy by cowardly submission, and though the alternative opposed to self-redress were ever so fatal, I would speak my mind and die.

Though the tribunal which sentenced me are capable of any error or deliberate wrong, and almost daily establish the proposition by indubitable proof, I think that I have been specially injured. Against me, there had never been a prosecutor, never a concluded trial, never a conviction—the very articles originally complained of had never been seen by any member of the

court, and they acted solely on a vague notion that I had at some time been indicted, and that there was a strong probability that I had been indicted for something. Thus I was in fact sentenced in derogation of the constitution, on the bare presentment of a Grand Jury, without any investigation into the nature of the offence, or the justice of the *ex parte* charge, beyond a recollection of the charge having been made.

This proceeding, independently, and without comparison with others, is most gross and startling in its injustice; but when we come to take into consideration the fact, that the two persons who were indicted with me have never been punished, and contrast it, too, with the disposal of other cases, the villany of it becomes most monstrous.

For instance, let us take the lottery cases. The sale of lottery tickets is a direct violation of an imperative statute; the sale of obscene papers is merely an offence against taste, according to the common law, or in other words, common opinion.

The offenders against the first, have, some of them, been convicted longer than me, and yet their disposal has been put off from day to day, and finally the juggle concluded in a manner which is briefly described by the following little expressive extract from a newspaper report of a day's business in the Court of Sessions.

"*Nolle Prosequis.*—The case of the 39 persons indicted for selling lottery tickets, *nolle prosequis* were entered, the prosecution not having, *on notice*, shown cause why their cases should not be thus disposed of."

What does this mean? Is this difference of treatment the result of the real nature of the respective cases? or is it because the Recorder sometimes dines with Gregory, the Jersey millionaire, and proprietor of the lottery which derives its profits from the sales of these venders? —and to carry the interrogation still farther, is it for a similar reason that Jemmy Whiting, who is so faithful to every one that he hates, deserts his duty, and risks the apparent peril of the above paragraph? I leave the solution of this problem to the reader.

Here ends this journal. In it, I have stated many things, which, from their perfect strangeness to the public, will "scarcely meet belief, but I have not made one grave assertion which is not strictly and wholly true. To be consistent with my design, I have been obliged to assail, through their acts, many persons whom my feelings would have induced me to spare, but justice to myself and others would not permit the overslip, and I am the more easily consoled for the unpleasant task, by the conviction that whoevr commits a crime voluntarily, incurs all the risks of punishment, and have no

right to grumble, if, sooner, or later, though the time and the hand may be unexpected, they are visited with their deserts.

It will be thought by many, from the manner in which I have spoken of the Recorder, that I think him a man of a very bad heart. I do not mean to enforce any such notion, for on the contrary I think him a man of most kind heart and amiable disposition, who is cursed with a universal desire to please, but with a benevolence so ill balanced by discrimination and firmness, that if he were possessed of supreme power, he might bowstring a regiment of soldiers, rather than deny the request of a friend or an acquaintance who wished to see the sight.

I wish to justify Terhune in the same manner, and I would also take this opportunity of saying a word in favor of Babe, whose amiability has made a friend for him in every deputy of the prison. I hope therefore that the public will not misconstrue my remarks in regard to any of the three above mentioned individuals.

Before concluding this record of the events of my imprisonment, I wish to bear testimony to the gentlemanly conduct and character of the keepers of the prison, from the chief of the establishment down to the last deputy. Of the three departments of the Tombs—the Police, the Court and the Prison—the latter is by far the most superior, and its present attachés will favorably compare with any class of society whatever. It may be proper while on this subject to remark, that the circumstances which I have mentioned, such as card playing in the cells, which might evince a laxity of regulation, is by no means the fault or within the control of the head keeper or his deputies; as the utmost vigilance is exercised by the perpetrators of these little immoralities to post sentries against detection.

Here ends this journal. Such as it is I send it forth without any apology or application for favor. I write not for critics, but for myself, and whatever may be its reception, I will certainly have accomplished my object. Its style, for the greater part, will be found rough and brief, so much so that, the record of many circumstances will be found but little more than mere memorandums. This is not altogether my fault. The curse of cheap publishing is on me, and the devil of economy clips my subject within the narrow measure of public remuneration. I have already stricken out several pages at the instance of my printer to protect the returns of the work from a threatened overflow of expense. I should have been pleased to have extended my developments through as many pages more, but I am satisfied that what I have already done will be in some sort effectual, and if the public have a taste for more mysteries of the same class, I will continue

them in a new work under the title of the "Confessions of a Police Officer." But for the present, enough. I have pointed out many of the evils connected with the present mode of administering criminal law, and I now leave it to those whose interest it is to rectify them, to devise a remedy.

The door is open; the bright sun, the blue sky and the pure air invite me beyond the walls, and there are those anxiously expecting my return, whose happiness it would be cruel to delay. Adieu.

#### CONCLUSION.

SINCE my departure from the Tombs, the fates of some of the characters of whom I have spoken in the foregoing pages, have been decided, and I think it not improper to inform the reader in this concluding note, the nature of their disposal.

Babe has been sentenced to die on the 7th of March next. Judge Betts, in delivering sentence in the case, after some prefatory remarks, took occasion to say, that neither the Court nor the Jury could with positive certainty tell whether the prisoner's story were true, or whether the death of the men with whose murder he stood charged, was the result of a long pre-conceived design, or whether the fatal blow which deprived them of life had been dealt in a sudden impulse of passion, in return for some supposed injury; and yet in the next breath, with these great doubts against him, he charged him not to flatter himself with any hope of Executive clemency, as he should feel bound in representing the case to the President of the United States, to assure him, that there was no shadow of doubt of his (the prisoner's) guilt. His honor then concluded, after passing the sentence of death, with the comfortable assurance that his body was finally to be cut up by the doctors.

Innocent or guilty, Babe bears his fate "boldly and cheerfully," and employs his time in writing a history of his life, the greater part of which he has already given me, with the direction to publish it on the day of his execution.

Leitga, the German, charged with the murder of his wife, was acquitted, and is now at liberty.

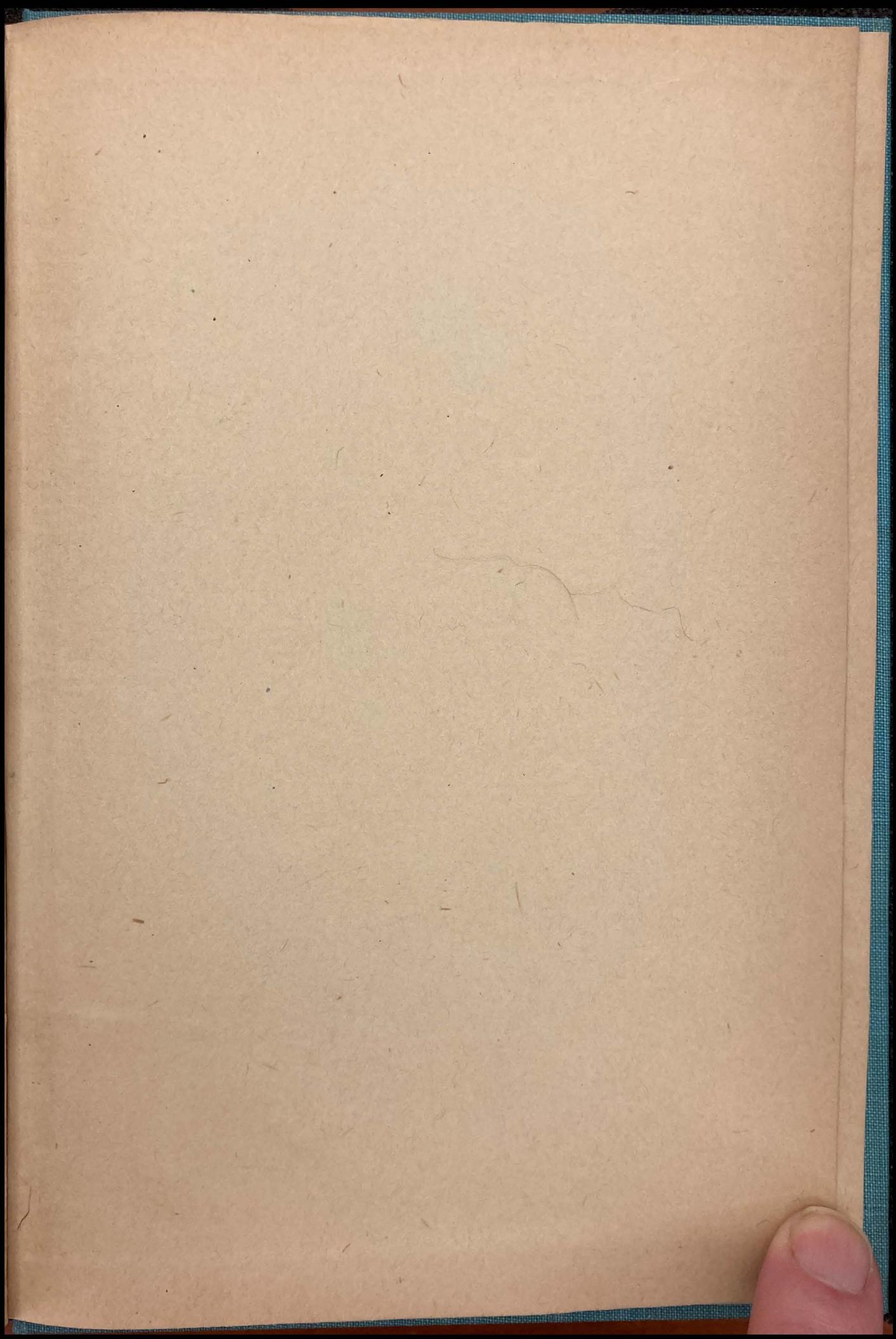
Pete Williams, the murderer of Stanley, was found guilty of manslaughter in the first degree, and sentenced to the state prison for the term of 21 years.

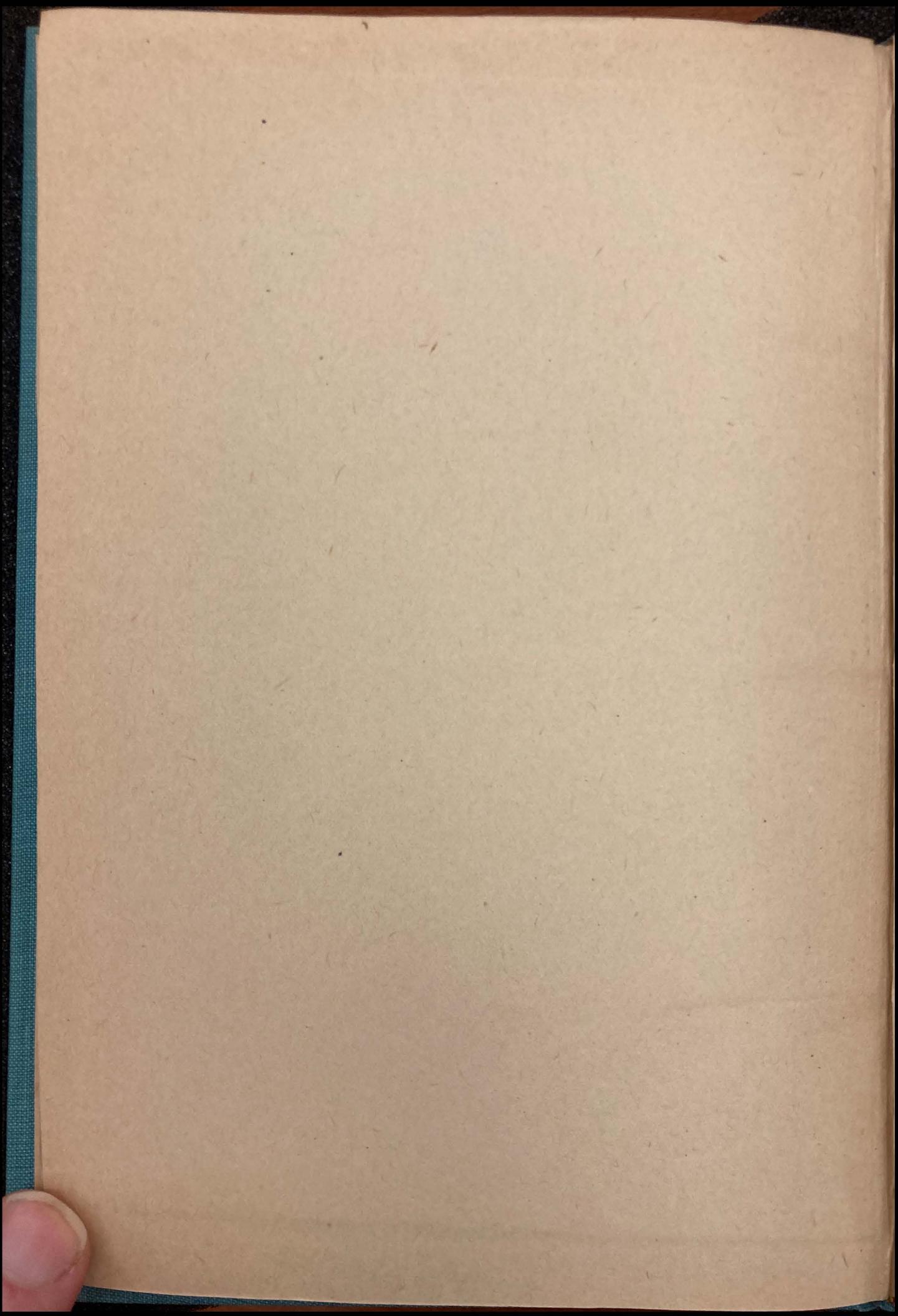
Ragee awaits a second trial.

Melinda Hoag has been sent to the state prison in accordance with her sentence; but Aleck, who was similarly condemned, in consequence of being the bearer of the purse, has managed to obtain a bill of exceptions, which involves a stay of proceedings until the Supreme Court can hear and decide upon the matter. He has now a lawyer at Albany to make an application for admission to bail in the interim, before one of that honorable body. The District Attorney opposes the latter motion, by offering a new trial without contest; but as it is not Aleck's intention to be tried if he can help it, he obstinately refuses anything but bail.

Amelia Norman, who remained suffering and unnoticed by the public for months in her solitary cell, was suddenly delivered from her peril by the sympathy of that public, when their sympathy could be required by the novelties of an interesting trial. She now resides with Mrs. Childs, a female philanthropist, who touches her condition, has taken her to her protection.

And finally, to conclude the conclusion, Terhune has defeated the motion to disbar him, with his usual ingenuity and address, and is again engaged in a flourishing practice, with a prospect of appointment as a Police Justice in perspective.





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